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Town of Horicon

Subdivision Regulations



Adopted on: _____

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SECTION 1 - PREAMBLE AND SHORT TITLE

Pursuant to Article 16 of the New York State Town Law and according to the authority granted by the Town Board in resolution number 11 adopted May 6, 1963, the Town of Horicon Planning Board has been authorized to develop and enforce standards for the control of land subdivision within the Town of Horicon. The regulation, standards and procedures contained herein are developed to ensure that the land to be subdivided is suitable for building purposes without creating dangers to health, or peril from fire, flood or other menace. The regulations ensure that proper provisions will be made for drainage, water, sewage, and other needed improvements. Streets and highways must meet the minimum Town standards and must accommodate the expected volume of traffic. Where appropriate, the regulations establish standards for preserving and developing open space areas for playground and other recreational purposes.

It is further policy of these regulations to ensure optimum overall conservation, protection, development and use of the unique scenic, aesthetic, wildlife, recreational, open space, historic, ecological and natural resources of the Adirondack Park

These regulations may be known and cited as the Town of Horicon, New York Subdivision Regulations.

SECTION 2 - DEFINITIONS

For the purpose of these Subdivision Regulations, words used in present tense include the future, the plural includes the singular, the word "lot" includes the word "plot", the word "building" includes the word "structure", the word "shall" is intended to be mandatory, the word "occupied" includes the words "designed for occupancy" or "intended to be occupied; and the terms "street" and "road" shall be used interchangeably and synonymously. (Amended by Resolution 63 of 2006)

Area Regulations: The regulation of building size, setbacks or yards, parking and loading requirements, or similar regulations which are not related to a specific land use, but excluding performance standards.

Arterial Street: A street or road designated for the high speed movement of large volumes of traffic.

Bond: A written agreement issued by a qualified agent which guarantees either the performance of a certain agreed upon activity or an equivalent consideration if the activity is not completed as required.

Boundary Line Adjustment: A boundary line adjustment is the transfer of a parcel or real property between individuals, corporations or businesses consisting of less than the minimum lot size required in the zoning district wherein the property is located. A boundary line adjustment can only occur between adjacent property owners. (Added by Resolution 34 of 1994)

Building: Any structure covered by a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or chattels.

Central Private Utility: A sewage or water system which serves a subdivision and which is paid for with non-public funds and without special district taxation.

Class A Regional Subdivision: Any subdivision classified as a Class A regional project in Section 810 of the Adirondack Park Agency Act, and set out in Appendix A hereof.

Class B Regional Subdivision: Any subdivision classified as a Class B regional project in Section 810 of the Adirondack Park Agency Act, and set out in Appendix B hereof.

Clerk of the Planning Board: That person who shall be designated to perform the duties of the Clerk of the Planning Board for the purposes of these regulations.

Cluster Development: A planned development in which lots are platted with less than the minimum lot size and dimension requirements, but which have access to common open space that is a part of the overall development plan approved by the Planning Board.

Collector Street: A street or road designated for the movement of traffic between arterial streets and minor streets or private streets as well as for serving adjacent land uses. Collector streets are intended to serve subdivisions of more than 8 residential lots.(Amended by Resolution 63 of 2006)

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water designated and intended for the private or public use or enjoyment of the space and may include such appurtenant structures that are necessary to allow the enjoyment of the space.

Crosswalk or Walkway: An accessway designed for pedestrian traffic and dedicated to public use.

Cul-de-sac: A designed turn-around area for vehicles at the dead end of a street.

Double Frontage Lot: A lot with the rear and front lot line abutting existing or proposed streets.

Easement: A property right giving the holder thereof the right of access to land for a specified purpose.

Engineer: An individual duly qualified and licensed to perform engineering work in the State of New York.

Frontage: The extent of a lot, parcel, or site abutting a right-of-way or any standing or flowing body of water.

Landscaping: The act of changing or enhancing the natural features of a plot of ground (usually around a building) so as to make it more attractive, as by adding lawns, trees, bushes, etc.

Lot: A parcel of land having a distinct and defined boundary as described in a separate deed, occupied or capable of being occupied by a building or buildings and for accessory buildings and/or uses, including such open spaces as are required by these regulations and having frontage on an existing or proposed road.

Marginal Access Street: Minor streets, parallel and adjacent to arterials, which provide access to abutting properties and protection from through traffic.

Major Subdivision: The division of a single parcel into at least two (2) or more lots in such a way that the construction of a new street or public utility for the parcels to be developed or which involves the creation of more than four (4) lots.

Minor Street: A street or road designated to provide access to abutting access to abutting property - not intended for through traffic movement. A minor street is intended to serve a minor subdivision as defined herein, or 5 to 8 residences within a major subdivision.

Minor Subdivision: The division of a single parcel into at least two (2) but not more than four (4) lots in such a way that it does not require the construction of a new street or public utility or the expansion or extension an existing street or public utility for the parcels to be developed.

Official Map, Town: The map established by the Town Board under Section 270 of the Town Law, showing the streets, highways and parks theretofore laid out, adopted, and established by law and all changes and additions thereto made under the provisions of the Town Law.

Plat: A plan for developing a piece of undeveloped property.

Plat, Preliminary: The salient features of a proposed subdivision including; the preliminary plans, drawings and supplementary details indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Plat, Final: The final plans, drawings and supplementary details of a subdivision which are to act as a guide for the actual subdivision of the land and which, if approved by the Planning Board, shall be submitted for filing with the County Clerk.

Private Street: A street or road the same as a minor street designed to provide access to abutting property - not intended for through traffic movement, that will be owned and maintained by an individual, corporation and/or Home Owners Association (HOA) as a part of a deeded lien covenant. If these streets are ever to be turned over to the Town of Horicon (TOH) they must meet the definition and standards of Minor Street/collector Street. A private street may serve a minor subdivision as defined herein, or no more than 5 to 8 residences within a major subdivision. (Added by Amendent, Resolution 63 of 2006)

Regional Subdivision: Any Class A or Class B regional subdivision.

Reverse Frontage Lots: A lot, parcel or site where the rear line abuts on an existing or proposed street.

Subdivider: The developer or contractor who will subdivide, the owner or the land to be subdivided, or any authorized agent of the developer, contractor or owner.

Subdivision: Any division of land into two or more parcels, blocs or sites, whether adjoining or not, for the purpose of sale, lease, license or any form of separate ownership or occupancy (including grading, road construction, installation of utilities or other improvements or any other land use and development preparatory or incidental to any such division) by any person or by any other person controlled by, under common control with or controlling such person or by any group of persons acting in concert as part of a common scheme or plan. Subdivision of land shall include condominium or cooperative types of ownership. Subdivision of land shall include any map, plat or other plan of the division of land, whether or not previously filed. Subdivision of land shall not include the lease of land for hunting and fishing and other open space recreation uses. The subdivision of land shall not include boundary line adjustments as defined herein. (Amended by Resolution 34 of 1994)

SECTION 3 - APPLICATION OF REGULATIONS

The subdivision regulations for the Town of Horicon apply to any person, partnership, association, joint venture or corporation who wishes to effect a subdivision after the effective date of these regulations.

Any subdivision which has been duly approved by the Town of Horicon Planning Board prior to the effective date of these regulations and which is not, as yet, developed shall be exempt from complying with such regulations for a period of two (2) years after the effective date of these regulations. After two (2) years from the effective date of these regulations or two (2) years after the effective date of any prior regulations, whichever is applicable, any construction or development taking place in such subdivisions shall be subject to the regulations set forth herein. This shall include any subdivision with partially sold lots.

SECTION 4 - ADMINISTRATION

The subdivision regulations for the Town of Horicon shall be administered by the Planning Board in cooperation with the Town Board, the Zoning Administrator, the Town Engineer, and other agencies.

All requests for information, application forms or other related materials should be directed to the Secretary of the Town of Horicon Planning Board.

It is recommended that any potential applicant for subdivision review contact the Zoning Administrator on an informal basis prior to initiating a formal request for review.

At such a meeting, the proposed subdivision will be classified as a major or minor subdivision or as a boundary line adjustment and as either a Class A or Class B Regional Subdivision, as defined in these regulations. If there is no meeting then the proposed subdivision will be classified by the Planning Board at the time of formal application submission. (Amended by Resolution 34 of 1994)

4.10 Basic Procedural Requirements

Whenever any subdivision of land as heretofore defined is proposed to be made and before any contract for the sale or any offer to sell such subdivision or any part thereof is made, the subdivider shall apply in writing to the Planning Board for the approval of such subdivision. The application of the subdivider shall conform to the specifications in Sections 6 and 7 of these subdivision regulations.

SECTION 5 – BOUNDARY LINE ADJUSTMENTS, GIFTS, INHERITANCES

(This section added by Resolution 34 of 1994 and Resolution 63 of 2006)

5.10 Boundary Line Adjustments

A boundary line adjustment is the transfer of real property consisting of less than the minimum lot size for the zoning district wherein the parcel is situated between adjacent property owners as defined herein. Whenever the Planning Board shall determine that a boundary line adjustment exists, the following general procedures and submission requirements shall apply.

1. The Planning Board shall determine the completeness of the application at its next regularly scheduled meeting after the date on which the application is filed with the clerk of the Planning Board.
2. Where appropriate, the applicant shall comply with the submission requirements required for minor subdivisions as provided for in Section 6.
3. It shall be within the sole discretion of the Town Planning Board to determine whether an application constitutes a boundary line adjustment. A boundary line adjustment may not include the transfer of real property which by itself would satisfy the minimum lot requirements in the zoning district where the property is situated.
4. Whenever an applicant proposes to transfer real property to an adjacent property owner pursuant to a boundary line adjustment, the remaining acreage must, in all cases, satisfy the minimum lot area requirements of the zoning district wherein the property is situated. A boundary line adjustment may not result in the creation of non-conforming parcel and a boundary line adjustment may not occur between adjoining property owners whenever the property owner reducing his acreage maintains a non-conforming parcel prior to the proposed adjustment.

5. All property transferred between adjoining property owners as a result of the boundary line adjustment shall be merged with the existing parcel and become a part thereof.
6. In its absolute discretion the Planning Board may waive a public hearing regarding a boundary line adjustment application.

5.20 Gifts, Devises and Inheritances:

The mere division of land resulting from bona tide gift, devise or inheritance by and from natural persons shall not be subject to review by the town.

A subdivision map shall be presented to the Chairman of the Planning Board without Planning Board Review for his signature to facilitate record keeping of all such divisions of land.

SECTION 6 - MINOR SUBDIVISIONS

A minor subdivision of land is any subdivision of land into at least not more than four (4) lots, parcels, or sites which do not require the construction of a new street or public utility, the expansion or extension of an existing street or public utility. Any subdivision which involves such improvement or which includes more than four (4) lots, parcels, or sites shall be considered a major subdivision and shall be subject to the review procedures outlined in Section 7.

6.10 Procedures and Submission Requirements This section outlines the review procedures and submission requirements necessary for approval of a minor subdivision. The procedures outlined below must be complied with prior to taking any action to subdivide.

6.11 Pre-Application Procedure

Prior to the submission of a formal application, the applicant may submit a pre-application data sheet (on a form to be supplied by the Town) with a pre-application sketch to the Planning Board.

The purpose of this form is to allow the subdivider to outline the general nature of this proposal for subdivision so that he can be advised of the proper method of application, the general acceptability of the concept, the consistency (or inconsistency) of his proposal with the Master plan of the Town, special considerations which he should make in the development of his final subdivision plan (i.e., accommodating any special soil considerations, handling potential flooding problems, developing open space areas, etc.), and whether or not the project is a class: A or B Regional Subdivision and thereby subject to the additional requirements of Section 11 hereof.

Within thirty (30) days of the receipt of the pre-application the Planning Board shall meet to review and discuss the proposed subdivision. The Planning Board shall formally notify the subdivider giving at least five (5) days advance notice of the meeting date at which his proposal will be reviewed and either the subdivider or his agent shall be present to participate in the review.

Within thirty (30) days after the pre-application review meeting, the Planning Board shall notify the subdivider of the action that they have taken on the pre-application. If the pre-application concept is approved, the Planning Board shall move to direct its Chairman to formally notify the subdivider, in writing to proceed with the development of a final plat for the proposed subdivision.

If the Planning Board does not approve of the pre-application concept, it shall move to direct the Chairman to notify the applicant, in writing, of the specific reasons for disapproval. The Planning Board may also move to accept the pre-application concept subject to certain conditions or modification. Such conditions or modifications should be clearly stated and shall be contained in the letter of approval from the Chairman of the Planning Board.

A disapproval of pre-application submission does not preclude the right of the subdivider to apply for final plat approval.

6.12 Submission Requirements Pre-application

1. **Key Map.** A key map, or location map, shall show location of the proposed subdivision within the Town.
2. **Pre-application Sketch.** A rough scale sketch of the proposed subdivision and adjoining properties showing the following information:
 - a. Name and address of the subdivision; north arrow; and scale.
 - b. Name of the owner of the subdivision and of all adjoining property owners.
 - c. The specific boundary of the area to be subdivided.
 - d. Zoning district boundaries (if applicable), and surrounding land use.
 - e. Topographic contours (United States Coastal and Geodetic Survey maps will be acceptable).
 - f. Existing drainage features (i.e., ponds, streams, rivers, marshes, culverts)
 - g. Map of soil interpretation of existing soils indicating type, percolation, soil bearing, and depth to ground water.
 - h. Present site conditions (i.e., easements, existing utilities, structures, trees, streets, and street names).
 - i. Present & Proposed Utilities
 - (1) means of sewerage disposal
 - (2) method of supplying water
 - (3) means of handling storm drainage
 - j. Existing platting (if a resubdivision)
 - k. Proposed lot layout.
 - l. Any proposed right-of-way for access to other land through the subdivided property.

6.20 Final Plat Submission Procedure, Minor Subdivision

Four (4) copies of all of the elements of the application (see Section 6.22) shall be placed on file with the Clerk of the Planning Board at least fifteen (15) days prior to the Planning Board meeting at which it is to be considered, at which time the subdivider or his agent should attend to be heard at that particular meeting. No incomplete application will be accepted for filing. A non-refundable processing fee as established by the Town Board shall accompany the final plat submission.

In addition to the foregoing, the subdivider may be charged an additional fee for projects requiring legal and/or technical review. The fee charged to the subdivider shall reflect the actual cost of such legal and technical assistance and shall be reasonable and necessary.

Distribution

Upon receipt of completed Final Plat Submission the Chairman of the Planning Board shall make the following distribution:

- One copy shall be retained for review by the Planning Board.
- One copy shall be placed on file with the Town Engineer.
- One copy shall be placed on file with the Zoning Administrator.
- One copy shall be placed on file with the Town Board.

6.21 Review of Application

The Planning Board shall determine the completeness of the application at its next scheduled meeting after the date on which the application was filed with the Clerk of the Planning Board.

The Planning Board will have forty-five (45) days from the date of the submission of a completed application as determined by the Planning Board to hold a public hearing.

The public hearing must be advertised at least one time in a newspaper of general circulation in the Town, at least five (5) days before it is held.

The Planning Board shall render a decision on the subdivision proposal within forty-five (45) days after the date of the public hearing or within a period extended by the mutual consent of the subdivider and the Planning Board. This decision shall be made by applying the standards and requirements set forth in Section 11 hereof. Such a decision shall consist of a Planning Board resolution directing the Chairman of the Planning Board to either sign and approve the final plat indicating any conditions which approval is subject to, or to formally notify the applicant, in writing, of the reason (s) for Planning Board disapproval. Failure of the Planning Board to respond within forty-five (45) days (or within the mutually agreed time period) shall be considered an approval of the application by the Planning Board. Upon failure of the Planning Board to take action within the above specified period of time, a certificate to that effect will be issued on demand by the Town Clerk pursuant to Section 276 of Town Law.

If the final plat is approved subject to conditions set forth by the Planning Board, within five (5) days of granting such conditional approval, the plat shall be certified by the Clerk of the Planning Board as conditionally approved. A copy of the plat shall be filed in his office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements, the plat shall be signed by the duly authorized officer to the Planning Board. In addition to such filing, in the case of Class B Regional Subdivisions, a copy of such filing, in the case of Class B Regional Subdivisions, a copy of such subdivision plat shall be signed by the duly authorized officer of the Planning Board. In addition to such filing, in the case of Class B Regional Subdivisions, a copy of such subdivision plat shall be recorded by the subdivider within sixty (60) days in the Adirondack Park Agency Regional Project Permit Book, in the office of the said County Clerk. The subdivider shall have 180 days to meet the conditions set forth by the Planning Board for final plat approval and the Planning Board may extend this time for up to 180 additional days.

The approval of a subdivision plat by the Planning Board, either by a direct statement of approval or by approval due to failure to respond within the specified time, shall expire within sixty (60) days if the subdivider fails to record the approved subdivision with the County Clerk. No building permits may be issued for development within the proposed subdivision prior to the time that such a filing is made with the County Clerk.

6.22 Final Plat submission Requirements

1. Key Map

- a. Scale 1" = 800'
- b. Information required for the proposed subdivision and areas extending two hundred (200) feet beyond the subdivision.
 - (1) Relationship of the proposed subdivision to the primary and secondary highway system and main intersections.
 - (2) Boundary lines: zoning districts, special districts and municipal areas.
 - (3) "Match Lines" as needed when there are two or more drawings to show the complete subdivision.
 - (4) Boundary data: The proposed subdivision area shall be shaded, or significantly outlined.

- (5) Boundaries of adjacent properties and property owners names. (Adjacent properties which are a part of a recorded subdivision plat may be identified by the subdivision name).

2. Preparation of Final Plat

The final plat shall be prepared by a licensed professional engineer or licensed land surveyor and shall provide all information required.

3. Standard for Drawing Sheet

- a. Scale not less than 1" = 100'
- b. Drawing size shall be 20" x 20" or 20" x 40"; Any proposal requiring a larger space be proposed on two or more sheets.
- c. If the case should warrant more than one sheet, a clearly drawn "Match Line" shall be placed on both sheets.

4. Title Block

- a. Name of subdivision.
- b. Post office address of subdivision.
- c. Name and address of subdivider.
- d. Name and address of owner.
- e. Name, address, license number, and seal of the professional engineer or land surveyor who prepared the drawing.
- f. Date of original submission and for each subsequent submission.
- g. True or magnetic north and date taken.

5. Existing Site Conditions

- a. Street right-of-way.
 - (1) Name.
 - (2) Location and width.
- b. Other rights-of-ways and easements.
 - (1) Identification.
 - (2) Location and width.
 - (3) Restrictions of use, if any
- c. Drainage structures
 - (1) Type of structure.
 - (2) Location, invert elevations, gradients and sized of all structures where applicable.
- d. Other utility structures such as water, sewer, gas mains and power lines (if not on or adjacent to site, indicate direction and approximate distance, and size of nearest ones, showing invert elevation of sewers or culverts)
- e. Marshes, ponds, rivers, streams or similar conditions . . Location and area covered indicating high water level
- f. Test hole data if required.
 - (1) Date of testing & location of test holes on site.
 - (2) Graphic representation of findings for all test holes.
- g. Municipal or other public lands, land designated as parks, open spaces or for some other public or community use.
- h. Buildings and other structures on the subdivision which are to remain.

6. Proposed Site Conditions (Must conform to Town Zoning Ordinance)

- a. Streets.
Any right-of-way for future access to other lands through the subdivided property.
- b. Lot Layout
 - (1) Dimensions and area of lots to nearest 1/100 foot.
 - (2) Easements and restricted areas with notation as to purpose.
 - (3) Identification of lots or parcels for special use, whether they are to be offered for dedication or not.
- c. Utilities
 - (1) Location of proposed on-site water system or connection to existing system.
 - (2) Location of proposed on-site sanitary disposal system showing treatment area, connection points and line size or connection to existing system.
 - (3) Location and size of storm water improvements to be constructed (if any)
 - (4) Evidence that the proposed methods for water supply and sanitary sewage disposal have been reviewed and approved by New York State Health Department and the New York State Department of Environmental Conservation, as required.

7. Additional Information:

- a. Survey Data
 - (1) Accurate traverse of subdivision boundaries with true bearings and distances.
 - (2) Municipal, town, county and special district boundaries referenced to the subdivision survey by true bearings and distances.
- b. Letters in appropriate cases directed to the Chairman of the Planning Board, signed by a responsible official of the State Department of Transportation or County Public Works Department, approving proposed construction on State or County rights-of-way and indicating that the necessary permits have been issued by their office, or submit a copy of permit.
- c. Such other certificates, affidavits, endorsements or agreements as may be required by the Planning Board in the enforcement of these regulations.

SECTION 7 - MAJOR SUBDIVISION

A major subdivision is any division of land into two (2) or more lots, parcels or sites which requires the construction of a new street or public utility, or the expansion or extension of an existing street or public utility, or which involves the creation of more than four (4) lots, parcels or sites. Any subdivision which cannot be classified as a minor subdivision shall be regarded as a major subdivision and is subject to the following requirements.

7.10 General Procedures and Submission Requirement

The general review procedure and submission requirements for major subdivisions consists of three elements: the Pre-application, the Preliminary Subdivision Plat and the Final Subdivision Plat. Sections 7.12, 7.21, and 7.31 describe those specific elements which should be included in each particular submission.

7.11 Pre-Application Review Procedure

The first submission to be prepared by the applicant as part to the major subdivision review process is the pre-application. This should be submitted prior to taking any action to subdivide land. The primary purpose of the pre-application is to allow the subdivider to outline the general nature of his proposal for subdivision so that the Planning Board can advise him of the proper

method of application, the general acceptability of his concept, the consistency (or inconsistency) of his proposal with the master plan of the Town, or any special considerations he should make in the development of this final submission plat (i.e., accommodation of any special soil conditions, handling potential flooding problems, developing open space areas, etc.).

1. Submission of Pre-Application

The completed pre-application shall be submitted to the Planning Board for its review. Within thirty (30) days of the receipt of the pre-application, the Planning Board shall meet to review and discuss the proposed subdivision. The Planning Board shall formally notify the subdivider giving at least five (5) days advance notice of the meeting date at which his proposal will be reviewed and either the subdivider or his agent shall be present to participate in the review.

Within thirty (30) days after the pre-application review meeting, the Planning Board shall notify the subdivider of the action that they have taken on the pre-application. If the pre-application concept is approved, the Planning Board shall move to direct its Chairman to formally notify the subdivider in writing, to proceed with the development of a preliminary plat for the proposed subdivision.

If the Planning Board does not approve of the pre-application concept, it shall move to direct the Chairman to notify the applicant, in writing, of the specific reasons for disapproval. The Planning Board may also move to accept the pre-application concept subject to certain conditions or modifications. Such conditions or modifications should be clearly state and shall be contained in the letter of approval from the Chairman of the Planning Board. A disapproval of pre-application submission does not preclude the right of the subdivider to apply for preliminary plat approval.

2. Review Considerations

The Planning Board's review of the pre-application shall include, at least, a review of the following considerations:

- a. Zoning requirements, adjustments, variances, etc., that may be applicable to the proposed subdivision concept.
- b. The potential impact to the proposal on the cost and extent of public services to be required.
- c. The impact of the proposed development on existing private and public development in the area.
- d. The degree to which the proposal is consistent or inconsistent with the Master Plan for the area.
- e. The nature of the soil in the area of proposed development.
- f. The topography of the proposed site.
- g. Other special site or community problems that may be involved in the successful development of a subdivision in the area proposed.

7.12 Pre-Application Submission Requirements

1. Key Map.

A key map, or location map, shall show the location of the proposed subdivision within the municipality

2. Pre-application Sketch

A rough scale sketch of the proposed subdivision and adjoining properties shall be based on a tax map or other similarly accurate information, and shall show the following information:

- a. Name and address of subdivision; north arrow; scale.
- b. Name of the owner of the subdivision and of all adjoining property owners.
- c. Boundary survey data.
- d. Zoning district boundaries, if applicable, and surrounding land use.

- e. Topographic contours (from the United States Coastal and Geodetic Survey .USGS)
- f. Existing drainage features (i.e., ponds, streams, marshes, culverts)
- g. Map of soils interpretations of existing soils indicating type, percolation, and soil bearings.
- h. Present site conditions (i.e., easements, and existing utilities, structures, trees, streets, and street names)
- i. Proposed street and block layout, with reference to surrounding properties and street pattern.
- j. Proposed utilities; sewer, water, storm drainage, subsurface drains.

7.20 Preliminary Subdivision Plat Review Procedure

Upon review of the pre-application concept, the subdivider may prepare a preliminary subdivision plat for submission to the Planning Board. Such a preliminary plat shall contain all of the items and supplementary materials specified in Section 7.21 of these regulations.

1. Submission of Preliminary Plat

- a. A preliminary subdivision application (to be prepared on a form supplied by the Planning Board.)
- b. A preliminary subdivision plat which conforms with the guidelines specified in Section 7.21 of these regulations. Such preliminary plat shall be clearly marked "preliminary".
- c. A non-refundable processing fee as established by the Town Board shall accompany all preliminary plat submissions. In addition to the foregoing, the subdivider may be charged an additional fee for projects requiring legal and/or technical review. The fee charged to the subdivider shall reflect the actual cost of such legal and technical assistance and shall be reasonable and necessary.
- d. Four (4) copies of all items and related supplementary materials shall be submitted to the Clerk of the Planning Board to review at least fifteen (15) days prior to the Planning Board meeting at which it is to be considered, at which time the subdivider or his agent should attend to be heard at that particular meeting. Only a complete preliminary subdivision plat will be accepted for filing with the Planning Board.

2. Distribution of Preliminary Plat

The Chairman of the Planning Board shall distribute copies of the preliminary subdivision plat to the Ordinance Administrator, the Town Engineer, the Town Board and any other persons which may have a specific interest in the proposal.

3. Review of Preliminary Subdivision Plat

The Planning Board shall have forty-five (45) days from the date of submission of a completed preliminary plat, as determined by the Planning Board to hold a public hearing. The public hearing shall be advertised in the official Town newspaper at least five (5) days in advance of the meeting date. Failure of the Planning Board to hold a public hearing within the specified time period shall be deemed to be the equivalent to Planning Board approval of the preliminary plat.

The Planning Board must act on the preliminary subdivision plat within forty-five (45) days of the date of the public hearing. Any comments received from the Ordinance Administrator, the Town Engineer, the Town Board or other persons with a specific interest in the proposed subdivision should be taken into consideration by the Planning Board when making its review. The time within which the Planning Board must act on the preliminary plat may be extended by mutual consent of the owner and the Planning Board.

4. Approval or Disapproval

If the Planning Board approves the proposed preliminary plat, as submitted, it shall direct the Chairman to notify the subdivider, in writing, of the Board's action. The Planning Board's decision shall be made by applying the standards and requirements set forth in Section 10 hereof. Approval of a preliminary plat shall not be construed as approval of a final plat. Such approval shall merely express the acceptance of the subdivision layout as a guide for the development of the final plat.

If the Planning Board does not approve the preliminary subdivision plat, as submitted, or approves it subject to certain modifications, it shall move to direct the Chairman of the Planning Board to contact the subdivider, in writing, clearly explaining the reasons for disapproval or the modifications upon which approval is dependent.

Failure of the Planning Board to act on the proposal within forty-five (45) days after the public hearing (or within the period agreed upon by the owner and the Planning Board) shall be equivalent to the Planning Board having given it approval to the preliminary subdivision proposal.

If a final plat is not submitted to the Planning Board within six (6) months after the date on which the Planning Board approved the preliminary plat, the Planning Board may refuse to approve the final plat.

7.21 Preliminary Subdivision Plat Submission Requirements

1. Key Map

- a. Scale 1" = 800'
- b. Information required for the proposed subdivision and areas extending two hundred (200) feet beyond the subdivision:
 - (1) Relationship of the proposed subdivision to the primary and secondary highway system and main intersections.
 - (2) Boundary lines: zoning districts, if applicable, special districts, and municipal areas.
 - (3) "Match Lines" as needed when there are two or more drawings to show the complete subdivision.
 - (4) Boundary data: The proposed subdivision area shall be shaded, or significantly outlined.
 - (5) Boundaries of adjacent properties and property owners names; (adjacent properties which are a part of a recorded subdivision plat may be identified by the subdivision name).

2. Preparation

The preliminary plat engineer or licensed information required. prepared by a licensed shall, be prepared by a licensed professional land surveyor and shall provide all All drainage and utility design shall be engineer.

3. Standard for Drawing Sheet

- a. Scale not less than 1" = 100'
- b. Size shall be 20" x 20" or 20" x 40." A larger area necessitates the use of two or more sheets to show the entire subdivision.
- c. If the case should warrant more than one sheet, a clearly drawn "Match Line" shall be placed on both sheets.

4. Title Block

- a. Name of subdivision.
- b. Post office address of subdivision.
- c. Name and address of subdivider.
- d. Name and address of owner.

- e. Name, address, license number, and seal of professional engineer or land surveyor who prepared the drawing.
- f. Date of original submission and for each subsequent submission
- g. True or magnetic north and date taken.

5. Topographic Contours

- a. Not greater than five (5) foot intervals in the National Geodetic Survey (NGS) taken at mean sea level or equivalent information developed by a licensed engineer or land surveyor.
- b. Contours shall extend two hundred (200) feet beyond the subdivision boundary.

6. Existing Site Conditions

- a. Street rights-of-way
 - (1) Name
 - (2) Location and width
 - (3) Centerline elevations at intersections and other critical points.
- b. Other rights-of-way and easements
 - (1) Identification
 - (2) Location and width
 - (3) Restrictions of use, if any
- c. Drainage structures
 - (1) Type of structure.
 - (2) Location, invert elevations, gradients and sizes of all structures, where applicable.
- d. Other utility structures such as water, sewer, gas mains and power lines.
 - (1) Type of structure.
 - (2) Location, size, invert elevations and gradients of all structures, where applicable.
- e. Hydrology
 - (1) Marshes, ponds, streams, rivers, or similar conditions.
 - (2) Location and area covered indicating apparent high water level.
- f. Other natural features such as wooded areas, rock outcrops or isolated preservable trees one foot or more in diameter.
- g. Test hole data, if required:
 - (1) Data and location.
 - (2) Graphic representation of findings for all test holes.
 - (3) The number and location of test holes shall be acceptable to the Planning Board.
- h. Municipal or other public lands, land designated as parks, open spaces or for some other public or community use
- i. Buildings and other structures on the subdivision which are to remain.

7. Proposed Site Conditions (Must conform to the Town zoning ordinance)

- a. Streets
 - (1) Names to be checked to avoid duplicate or similar names prior to submission at the Planning Board office.
 - (2) Right-of-way and pavement width.
 - (3) Tentative center line elevations at principle changes in grades.
 - (4) Tentative center line gradient shown in percent of slope or preliminary profiles.
- b. Lot Layout
 - (1) Dimensions and area of lots to nearest 1/100 foot.
 - (2) Easements and restricted area with notation as to purpose (Section 13).

- (3) Identification of lots or parcels for special use, whether they are to be offered for dedication or not.
- (4) Street access to adjoining properties.
- (5) Lot drainage.
- (6) Blocks and lots shall be numbered.

8. Storm Water Drainage

- a. Proposed drainage structures shall be shown on the preliminary plat.
- b. Proposed storm sewers and/or sub-surface drains shall also be shown on the preliminary plat.

9. Utilities Plans

- a. Proposed sewer plan showing structures and direction of flow and connection with existing system.
- b. Proposed water supply plan showing connection with existing system, showing mains, valves, and hydrants.
- c. In the case of individual sanitary systems, a typical lot layout indicating location of systems dimensioned with reference to house and water supply, and detailed drawing of proposed sanitary waste disposal system.

10. Open Space

- a. Location of open space areas.
- b. Facilities to be provided in open space areas (see Section 7.20)

11. Protective Covenants

Draft of any protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

12. Municipal Services

If the proposed subdivision is a regional subdivision, the subdivider may also be required to submit an analysis with supporting data of the ability of the public to provide services and facilities which can reasonably be anticipated to be required following the approval of the project, an analysis with supporting data of any benefits that might derive from the project, any plans the applicant may have for future development related to the project and information describing the applicant, his or its financial capacity to complete the project as planned, and any professional advisors or consultants engaged in respect to the project.

7.30 Final Subdivision Plat Review Procedure

Upon receiving the approval of the preliminary plat by the Planning Board, the subdivider may then proceed with the development of a final subdivision plat. Such a plat shall be based exclusively on the design features presented in the preliminary subdivision plat subject to those modifications which were stipulated by the Planning Board at the time of preliminary plat approval.

The final subdivision plat shall conform to the requirements for such plats as described in Section 7.31 of these regulations.

1. Submission

- a. A formal application for final plat approval (on a form to be supplied by the Town).
- b. A copy of the final subdivision plat corresponding to the requirements outlined in Section 7.31 of these regulations.

- c. A performance bond estimate for all public improvements and utilities included on the Final Plat and the Public Utilities Plan and Profile.
- d. Detailed plans and profile drawings of all proposed public utilities and improvements.
- e. Evidence that the Board of Education for the area in which the subdivision is to be built has been made aware of the nature and extent of the proposed project.
- f. Copies of all easement agreements, deeds, offers of cession, right-of-way acquisitions, planting areas, covenants, and any other legal instruments which may require review as part of the subdivision proposal.
- g. Letters in appropriate cases directed to the Chairman of the Planning Board, signed by a responsible official of the State Department of Transportation or County Public Works Department of Transportation or County Public Works Department, approving proposed construction on State or County rights-of-way and indicating that the necessary permits have been issued by their office, or submit copy of permits.
- h. Evidence that the proposed subdivision has been reviewed and approved by the New York State Department of Health and the New York State Department of Environmental Conservation, as required.
- i. Letters in appropriate cases directed to the Chairman of the Planning Board, signed by a responsible official of the agency, utility company, government authority or special district which has jurisdiction in the area of gas, electric, telephone, public sewer or public water improvements, approving such proposed installation.

Unless otherwise specified in these regulations, four (4) copies of all of the required materials in the Final Plat submission shall be placed on file with the Clerk of the Planning Board at least fifteen (15) days prior to the Planning Board meeting at which it is to be considered. No application will be accepted for filing unless it is complete, as defined by the requirements of these regulations.

2. Distribution

Upon receipt of the completed Final Plat submission, the Chairman of the Planning Board shall transmit copies of the final submission to the Zoning Administrator, the Town Engineer, Town Board and any other persons who may have a specific interest in the proposed subdivision.

3. Public Hearing

The Planning Board may waive holding a public hearing on a final plat if it finds that the final plat is in substantial agreement with the preliminary plat, including any modifications stipulated by the Planning Board as part of preliminary plat approval. If the hearing is waived, the Planning Board shall act within forty-five (45) days from the date of submission of completed final plat, as determined by the Planning Board.

If the Planning Board does not wish to waive the public hearing, such a hearing shall be held within forty-five (45) days from the date of submission of the completed final plat by the Clerk of the Planning Board. The completeness of the final plat shall be determined by the Planning Board.

If the Planning Board has been empowered to modify the provisions of the Zoning Ordinance at the time of final plat approval (according to the provisions of Section 281 of the Town Law), and wishes to do so in the case of subdivision proposal, a hearing must be held on the final plat.

4. Approval or Disapproval

Unless extended by the mutual consent of the Planning Board and the subdivider, the Planning Board must act on the final subdivision plat within forty-five (45) days of the receipt of the application if the public hearing is waived, or within forty-five (45) days after the date of the public hearing. Failure of the Planning Board to take action within either of these required time periods will be deemed an act of approval by the Planning Board granting to the subdivider all of the rights and privileges which such approval conveys. Upon failure of the Planning Board to take action within the above specified period of time, a certificate to that effect will be issued on demand, by the Town Clerk, pursuant to Section 276 of the Town Law.

5. Review

The Planning Board shall review the Final Subdivision Plat in accordance with the guidelines outlined in Sections 7.31 and 11 of these regulations. Final approval shall not be granted until the requirements of Section 11 have been met. It shall examine the final plat to see that it is consistent with the concept presented in the preliminary subdivision plat and all of the required elements of submission have been placed on file with the Board, including any modifications stipulated by the Planning Board as part of the preliminary plat approval.

After the public hearing has been held on the final plat, if one is held or within forty-five (45) days of receipt as specified above, the Planning Board shall meet to take action on the submission of a completed application. If the Board moves to approve the final plat, as submitted, it shall direct the Planning Board Chairman to sign the Final Plat. The Chairman is required to sign the plat subject to the following conditions:

- a. All of the requirements for final subdivision plat submission have been met.
- b. All required corrections and modifications have sufficient guarantee has been accepted by the Planning Board for such corrections and modifications. All such conditions must be met before the plat is signed by the Planning Board.
- c. Any performance bonds requested by the Planning Board have been obtained by the subdivider and approved by the Town Board.
- d. A statement by the Town Attorney approving as to the legal offers of cession or covenants governing the maintenance of uncaded open space.

The Planning Board may move to conditionally approve the Final Plat within five (5) days of the resolution granting conditional approval, the plat shall be certified by the Clerk of the planning Board as conditionally approved a copy shall be filed in his office, and a certified copy mailed to the subdivider. The copy mailed to the subdivider shall include a certified statement of such requirements which, when completed, will authorize the signing of the conditionally approved plat. Upon completion of such requirements the plat shall be signed by the duly designated officer of the Planning Board. The subdivider shall have 180 days to meet the conditions set forth by the Planning Board for Final plat approval and the planning Board may extend this time for up to 180 additional days.

If the Final plat is disapproved, the applicant shall be formally notified, in Writing, by the planning Board Chairman of the reason(s) for Planning Board disapproval.

6. Recording and Filing

Within sixty (60) days after the Planning Board has approved a Final Plat, one (1) opaque black line cloth print/or photographic copy thereof on transparent cloth or polyester film of the subdivision shall be filed in the office of the County Clerk, with a transparent linen cloth print provided to the Town Clerk. In addition to such filing, in the case of a Class B regional subdivision, a copy of such subdivision plat shall be recorded by the subdivider within sixty (60) days in the Adirondack Park Agency Regional Project Permit Book, in the office of the said County Clerk. Failure to make such a filing with the County Clerk will result in a revocation of

Planning Board approval of the Final Plat. No building permits may be issued for development within the proposed subdivision prior to the time that such a filing is made with the County Clerk.

7. Streets and Roads

Planning Board approval of a Final Plat shall not be deemed an acceptance by the Town of any street or other land shown as offered for dedication to public use.

7.31 Final Subdivision Plat Submission Requirements

Requirements for the final plat shall follow those of the preliminary layout (Section 7.21, 1-12) with the following changes:

1. Deletions: Section 7.21, 5 "Topographic Contours";
2. Additions
 - a. Survey Data
 - (1) Accurate traverse of subdivision boundaries with true bearings and distances.
 - (2) Municipal, town, county and special district boundaries referenced to the subdivision survey by true angles and distances.
 - (3) Radii, internal angles, points of curvature, tangent distances and lengths of all curves.
 - b. Monuments
 - (1) Accurate location of all monuments (see Appendix C).
 - (2) Proposed new monuments or monuments to be reset shall be shown.
 - (3) One (1) monument shall be located at each corner and at each general change in direction of the boundary.
 - (4) Two (2) monuments shall be located at each street intersection.
 - (5) Monuments shall be located at the beginning and end of each curve along one side of the street right-of-way.
 - c. Public Improvement and Utilities Plan, Details, and Profile

This plan and profile are declared to be an integral part of the Final Plat submission and shall be reviewed and approved by the Town Engineer. The performance bond and inspection shall be based on the Public Improvement and Utilities Plan and Profiles (Section 6.21 (9)), the Final Plat and the municipal specifications for such public improvements and utilities. Health Department approval block with approval stamp by the Health Department shall be made on the document.

 - (1) Basic Plan Requirements
 - (a) Sheet size shall be 20" x 20" or 20" x 40". A larger area necessitates the use of two or more sheets to show the entire subdivision.
 - (b) Title Block: Name of subdivision Scale and date
 - (c) The plan shall show the outline of all rights-of-way, easements and similar conditions.
 - (d) Critical street center line grade elevations.
 - (2) Drainage system Requirements
 - (a) Complete drainage system for the entire subdivision, with the appropriate development stages for each of the Final Plat sections, shall be shown graphically with all existing drainage features which are to be incorporated, properly identified as existing.

- (b) The boundaries and area in acres of storm water run-off watersheds shall be shown for each drainage structure.
- (c) All proposed drainage structures (i.e., valley gutters) shall be shown.
- (d) Identify all drainage structures by County and Town, specify type numbers (if available)
- (e) Location of required test pits, borings, and the description of soils condition and water table.
- (f) Notations and calculations concerning the ability of receiving waters or drains to accept the additional anticipated flows.

(3) Utility Systems Requirements

- (a) Water supply distribution:
 - Ownership of water supply
 - Location and type of source of supply on property, where piped in, size of main supply
 - Details of water supply facility if other than municipal
 - Location and size of all distribution mains
 - Location of fire hydrants and hydrant valves
 - Location of all control valves
- (b) Sanitary sewers.
 - Location and type of treatment facilities or where discharged to town sewer and size of receiving sewer
 - Details of treatment facility if other than municipal
 - All sanitary manholes
 - Location, size and direction of flow for all sewers
 - Location of structures and any mechanical equipment
 - Detail sheets, manufacturers' specifications, installation instructions and parts list for all mechanical equipment

(4) Profile Drawing Requirements

- (a) Drawings shall be made on standard profile paper with the following scales:
 - Horizontal scale of 1" = 50'
 - Vertical scale of 1" = 10'

All profiles shall show the existing and proposed natural grades, the center lines of existing and proposed roads, and a system of survey stations.

The center line profile and vertical curve data as to gradient and critical elevations

The invert profile and location of all drainage structures in street rights-of-way and in drainage easements, top of structure elevations.

The invert profile and location of all manholes for sanitary sewers in street right-of-way and in sanitary sewer easements, top of structure and invert elevations.

- (b) Performance Bond. See Section 9
- (c) Offers of Cession & Protective Covenants
 - Offers of cession by dedicating streets, rights-of-way and any sites for public uses, and agreements covering the improvements and maintenance of unceded public places and the conditions and time limits, if any, applying to site reservations.

- Statement by the Town Attorney approving as to legal sufficiency of all offers of cession, and all covenants governing the maintenance of unceded public open space.
 - Protective covenants in form for recording, including covenants governing the maintenance of unceded public spaces or reservations.
- (d) Such other certificates, affidavits, endorsements or agreements as may be required by the Planning Board in enforcing these regulations.

SECTION 8 - ADDITIONAL REGULATIONS

8.10 Underground Utilities

All electrical facilities extended to furnish permanent electrical service to new residential buildings within the Town of Horicon, whether a minor or major subdivision, must be installed underground and in accordance with the related laws of New York State.

8.11 Installation

In the Town of Horicon, it shall be the responsibility of the subdivider to provide for the installation of all of the major underground facilities which will be required to serve his subdivision. He shall be responsible for installing all trunk lines necessary to provide service to all of the lots in the subdivision including house-sewer laterals and water services to street right-of-way lines, in compliance with all of the regulations and standards specified by New York State and the Public Service Commission.

The subdivider must submit a written statement as part of his final plat submission indicating that he agrees to pay for the cost of installing all underground trunk lines.

8.20 Open Space - Major Subdivision

All major subdivision shall make adequate provisions for common open space and recreation areas in the preliminary and final subdivision plats. Such provisions shall be acceptable to the Planning Board and shall be subject to the following minimum standards:

1. Such open space areas shall be reasonably level, usable open space.
2. The open space and recreation area shall be conveniently located so as to be easily accessible to all areas of the subdivision. Such space shall have a total area equal to ten (10) percent of the gross land area of the subdivision offered for sale. This size standard may be reduced or waived, and cash to the Town in lieu of land may be accepted by the Planning Board, if the subdivider can supply sufficient evidence that he can meet the open space and recreational needs of the potential population of his subdivision by either alternative. (Amended by resolution 80 of 2005)
3. The subdivider shall make provisions to clear and develop the open space area and make it ready for development.
4. Development and maintenance of the open space areas may be accomplished by any one of the following methods:
 - a. the subdivider may develop the open space area and maintain it;
 - b. the subdivider may develop a deed for the open space area which specifically limits the use of the parcel to park, recreation and open space uses; he may
 - (1) prepare a written statement to be submitted as part of the preliminary plat describing how he intends to establish a homeowners' association in his subdivision which will

assume the ownership of the land and assume the responsibility of development, maintenance, and legal liability. The plan for developing such an association must be acceptable to the Planning Board.

- (2) transfer the deed of the open space area with provisions limiting it to use exclusively for open space, park and recreation to the Town. If the Town accepts the deed to the property, they shall assume the responsibility of developing and maintaining the open space area.

SECTION 9 - PUBLIC IMPROVEMENTS

The following public improvements will be required except, where the Planning Board finds that due to the circumstances of a particular plat, the provision of certain required improvements is not requisite in the interest of the public health, safety or welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, in which case the planning Board may waive such requirements:

1. streets
2. curbs and gutters
3. water supply
4. water mains and fire hydrants
5. sanitary waste disposal
6. storm drainage
7. sidewalks
8. street lighting

The cost of any required public improvements shall be paid by the subdivider.

Outline design will be found in Section 11 and Appendix C of these regulations.

SECTION 10 - PERFORMANCE BOND

10.10 Purpose

The Planning Board may require a subdivider to post a performance bond. A bond posted by the subdivider guarantees to the Town that the required public improvements and utilities, which are an integral part of the Final Plat, will be constructed and that a construction deadline has been set.

10.11 Procedures

1. A performance bond estimate will be prepared by a licensed professional engineer and approved by the Town Engineer, or a professional engineer retained by the Town for such review. The Planning Board will pass a resolution either approving or adjusting the performance bond estimate and will provide copies signed by the Chairman, for use by the subdivider in obtaining and posting a bond.
2. The subdivider shall present his performance bond, with signed copies of the Performance Bond Estimate attached, to the Town Attorney, at least one week prior to any Town Board meeting for approval as to form and sufficiency, by the Town Board.
3. The Town attorney shall notify the Town Clerk prior to the Board meeting that the Performance Bond can be added to the agenda.
4. The Town Board will either approve or disapprove the Performance Bond as presented by the Attorney. If the Performance Bond is approved, one copy will be forwarded to the Town Clerk for his records and one copy will be forwarded to the Planning Board along with the Town Board resolution.

5. The Chairman of the Planning Board shall receive the approval of the performance bond by the Town Board prior to signing the Final Plat.
6. In the event that the subdivider shall be authorized to file the approved plat in sections, as provided in subdivision six (6) of Section Two Hundred Seventy-Six (276) of Town Law, approval of any later sections of the plat may be made contingent upon completion of the required improvements in any prior sections of the plat.
7. Upon completing the construction of Public Improvements covered by the Performance Bond or Irrevocable Letter of Credit, a final inspection shall be held by the Town. When construction has been approved, final plats and plan/profiles shall be corrected by the Owner to show all construction "as-built". The Town may decide at any time during the term of the Performance Bond or Irrevocable Letter of Credit that the required improvements have been installed to the satisfaction of the Planning Board in sufficient amount to warrant reduction in the face amount of said Performance Bond or Irrevocable Letter of Credit. The face amount of such Performance Bond or Irrevocable Letter of Credit shall thereupon be reduced by an appropriate amount so that the new face amount will cover the cost in full of the remaining list of improvements to be completed. It shall not be reduced to less than the amount determined for that construction which is still uncompleted, plus twenty (20) percent of the amount determined for that construction which is completed and approved. It shall be kept in effect for one (1) year after the completion of construction of improvements at which time the remaining balance shall be released upon approval by the Town and/or Town Engineer.
8. The following items are required for dedication of Public Improvements to the Town of Horicon.
 - a. One (1) set of reproducible mylars of the "as-built" drawings of the streets and utilities
 - b. One (1) year Maintenance Bond or Irrevocable Letter of Credit.
 - c. Offer of Cession.
 - d. Original and two (2) copies of the proposed deed. The deed should state that the Town of Horicon is "a municipal corporation, organized and existing by virtue of the laws of the State of New York". The first paragraph of the deed should state, not only the date of title and preparer of the survey, but also the date of filing thereof in the Warren County Clerk's Office and the drawer number assigned thereto.
 - e. An up-to-date Abstract or Title Insurance Policy in an amount determined by the Town or its representative.
 - f. Certification from the Owners Engineer/Architect/Surveyor/etc. that all construction has been performed in accordance with the Final Plans.
 - g. A Maintenance Bond or Irrevocable Letter of Credit based on twenty (20) percent of construction costs for Public Improvements shall be kept in effect for one (1) year after the dedication to the Town of said Public Improvements at which time the remaining balance shall be released upon approval by the Town and/or the Town Engineer.
 - h. All Public Improvements to be dedicated to the Town must be accepted by the Town Board no earlier than the first Town Board meeting in May and no later than the first Town Board meeting in November.

As approved by the Planning Board, the above mentioned items should be submitted to the Town Clerk's office in accordance with the above time schedule.

9. The Town Engineer shall report to the Town Board on the condition of the work and recommend that the Performance Bond be released, extended, or declared in default. The Town Board shall act on the release of, extension of, or default of the Performance Bond.

10.12 Term of Performance Bond

A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall be set forth in the bond within which required improvements must be completed. The term of such performance bond may be extended by the Planning Board with the consent of the parties thereto.

Any such bond shall comply with the requirements of Section 277 of the Town Law and further be satisfactory to the Town Board and the Town Attorney as to form sufficiency, manner of execution and surety.

SECTION 11 - DESIGN STANDARDS

The following apply to both major and minor subdivisions as defined in Section 2 of these regulations. These standards are issued as guides for design and construction of facilities by private developers. Adequate design life, ease of operation and maintenance, and standardization have been given primary consideration. Each facility shall be designed and constructed as part of a future complete system.

Any standard or specification referred to shall be understood to be the current version of that standard or specification. The said standards shall be considered to be minimum standards and requirements and shall be waived by the Board only under circumstances set forth in Section 17 herein, except that in no case shall the requirements of Section 13 be waived. The Board may require higher standards where it believes they are justified and may also consider approval of a design or construction method which is not included in these standards.

In general, the Subdivision Plat, development map and the plan/profiles included in the final submission shall include enough detail to show compliance with design standards. The Board may require the submission of design calculations for review by the Town Engineer. In some cases, at the discretion of the Board, construction methods shall also be shown.

Compliance with construction standards, approved materials list and the approved Final Submission shall be required during construction. Final dedication of the development construction and release of the Performance Bond or Irrevocable Letter of Credit shall be dependent upon such compliance. Construction methods shall conform to manufacturers' recommendations unless otherwise specified in these standards. The Town shall require construction inspection, at the applicant's expense, for the construction of roadways and utilities.

11.10 Land Use Standards

1. Proposed land uses shall conform to the Zoning Ordinance of the Town of Horicon, and the Town Master Plan, and the provisions of these regulations.
2. Subdivision designs shall indicate consideration for suitable protections of different types of land uses and the segregation of vehicular and pedestrian traffic incompatible with particular uses.
3. It is desirable that sites be provided for public and semi-public land use such as schools, fire houses, churches, etc.
4. Subdivision design shall preserve, insofar as is possible, the natural features, terrain and drainage of the land to be developed. Accordingly, proposed subdivisions which are to be located in areas denoted as having "moderate" or "severe" development limitations on the individual or composite Resource Limitation Maps on file in the Town offices shall be presumed to have significant problems requiring special design features or mitigating measures if such problems are to be satisfactorily overcome. In general, future uses upon land to be subdivided should be able to blend harmoniously with the surrounding topography, vegetation, and other

natural features, and should avoid the need for costly land alterations or intricate engineering to overcome adverse site conditions. The Board, in its discretion, may consider any or all the objectives and guidelines set forth in Section 13.60.

5. Land subject to flooding shall not be platted for residential occupancy nor for such other uses as may increase danger to life or property or aggravate the flood hazard.
6. Adirondack Park Regulations: In addition to the requirements contained in these regulations, the requirements of the Adirondack Park Agency Act shall also apply.

11.11 Street Design

(Also see appendix C for guideline construction specifications)

1. All streets and roads shall be logically related to the existing topography, soils, vegetation, and other natural features and shall be coordinated into a logical and efficient system. Installations of utility distribution and service lines shall be planned at the time road layout is determined. For these purposes, areas with steep slopes, shallow soils, soils with a water table at or near the surface, and soils that are highly susceptible to erosion or slippage shall be avoided insofar as practical.

All roads that will become the responsibility of the Town of Horicon (TOH) must be paved with asphalt concrete in accordance with Appendix C Drawing D2. Private Streets with non-asphalt surfaces (as illustrated in Appendix C Drawing D1) must be owned and maintained by individuals, corporations and/or Home Owners Associations subject to a lien covenant with a complete disclosure in the subdivision sale or offering statement. If these private streets are ever to be turned over to the TOH they must be brought up to the standard for TOH roads in Appendix C Drawing D2 by the owner at their expense prior to transfer. (Added by Amendment, Resolution 63 of 2006)

All roads shall be arranged so as to obtain a maximum number of building sites at or above the grade of the roads. Grades of roads shall conform as closely as possible to the original topography, except that in all cases the provisions concerning road grades in Appendix C shall be observed. When a subdivision street intersects an existing street, the Board may require the applicant to improve the existing street as necessary to meet the requirements of these regulations and the Planning Board and/or Town Engineer for intersection design.

2. Road layout shall minimize stream crossings and shall avoid traversing slopes exceeding 25%.
3. Streets in a subdivision shall:
 - a. provide for the continuation of appropriate projection of existing streets in surrounding areas; or
 - b. conform to a plan for the neighborhood approved or adopted by the Planning Board to meet a particular situation where topographical or other conditions make continuance of or conformance with existing streets impractical.
4. Minor Streets and Private Streets shall be so laid out that their use by through traffic will be discouraged. (Amended by Resolution 63 of 2006)
5. Where a subdivision borders on or contains a railroad right-of-way, the Planning Board may require a street approximately parallel to and each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
6. Reserve strips controlling access to streets, water plants or sewage treatment plants, or other land dedicated to public use, shall be prohibited except where their control is definitely placed in the Town under conditions approved by the Planning Board.

7. Street jogs with centerline offsets of less than 125 feet shall be avoided, except in exceptional cases approved by the Planning Board.
8. Property lines at street intersections shall be rounded with a radius of 25 feet, or with a greater radius where the Planning Board may deem it necessary. The Planning Board may permit comparable cut-offs or chords in place of rounded corners.
9. Curb radii at intersections shall not be less than 20 feet.
10. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the Planning Board finds it will be practical to require the dedication of the other half when the adjoining property is submitted, the other half of the street shall be platted within such tract.
11. Dead-end streets shall not be longer than one thousand (1000) feet, nor shall they service twelve (12) or more residential units, and shall be provided with a turn-around at the closed end having a street right-of-way diameter of at least one hundred forty (140) feet and an outside edge of pavement diameter of at least one hundred twenty (120) feet. The pavement radius at the entrance to the turn-around shall be at least fifty (50) feet for symmetrical turn-arounds. Offset turn-arounds are the preferred design for permanent turn-arounds. When a street is extended beyond an intersection to make provision for its future extension a temporary turn-around shall be provided at the end of the street unless no lots are served by the extension. The dimensions of the temporary turn-around shall meet the requirements for a permanent turn-around minimum diameter.

When a street is extended a distance greater than six hundred (600) feet beyond an intersection, or will service twelve (12) or more residential units, a second means of access must be provided to the end of the street. Generally, an intersection with a cross-street which connects to another street within the subdivision is sufficient.

12. Block lengths shall not exceed twelve hundred (1200) feet, nor be less than four hundred (400) feet. Block widths shall not be less than two hundred fifty (250) feet.
13. Minor Streets/Collector Streets shall have a minimum driving surface width of twenty (20) feet with two (2) foot treated gravel shoulders. A detail is shown on Drawing D2 in Appendix C. (Amended by Resolution 63 of 2006)
14. Private Streets shall have a minimum driving surface width of twenty (20) feet and a two (2) foot gravel shoulder. A detail is shown on Drawing D1 in Appendix C. (Amended by Resolution 63 of 2006)
15. Collector Roads where curbs or integral gutters are installed shall have a minimum driving surface width of thirty (30) feet. Details are shown on Drawing 4 in Appendix C. (Amended by Resolution 63 of 2006)
16. All streets designated by the Planning Board as arterial streets shall have a minimum right-of-way width and a minimum drive strip width as specified by the Planning Board, after a thorough study of the potential future use, traffic volume and area development has been made.
17. Special treatment along arterial streets: When a subdivision abuts or contains an existing or proposed arterial street, the Planning Board may require marginal access streets, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
18. Intersections:
 - a. No more than two (2) streets shall intersect or meet at any point.

- b. Intersecting streets shall be laid out so as to intersect at ninety (90) degrees. In any case, no street shall intersect or meet at any angle of less than seventy-five (75) degrees or more than one hundred twenty (120) degrees.
 - c. Minor or secondary street openings into collector roads shall, in general, be at least 500 feet apart.
19. Pedestrian circulation: Pedestrian crosswalks, right-of-way not less than ten (10) feet wide, shall be required where deemed essential to provide circulation or access to schools, playgrounds, and other community facilities. Five (5) foot sidewalks may be required by the Planning Board.
20. Upon approval or as a condition of approval of any subdivision the Planning Board may require the inspection and/or testing of road construction materials installed by an independent Engineer or certified testing service as selected by the Zoning Administrator or Town Engineer. The total cost/expense of such engineering inspection shall be the responsibility of the applicant. For the purpose of such testing and/inspection, the Planning Board may require the applicant to post such financial security as may be necessary to pay for these services.
(Added by Amendent, Resolution 63 of 2006)

Street and Road Design Standards

Type of Street or Road	Definition	Street / Road Standards
Minor Street	<ul style="list-style-type: none"> Minor Subdivisions Major Subdivisions 5-8 residences (by section) Non connector road or through street 	<ul style="list-style-type: none"> =/> 20' wide A/C Construction in drawing D2 Appendix C of TOH-SDR >7% ** Design to be reviewed & approved by TE
Private Street (same as Minor Street but privately owned, not the responsibility of TOH)	<ul style="list-style-type: none"> Minor Subdivisions Major Subdivisions 5-8 residences (by section) Non connector road or through street 	<ul style="list-style-type: none"> =/> 20' wide Gravel Construction in Drawing D1 Appendix C of TOH Subdivision Regulations (SDR) >7% ** Design to be reviewed & approved by TE
Collector Street (Major Road – through street)	<ul style="list-style-type: none"> Major Subdivisions >8 residences in a Section *A Connector Roads or through streets Multi phase projects where minor roads were utilized but increased in follow on phases *A 	<ul style="list-style-type: none"> =/> 20' wide A/C Construction in Drawing D2 Appendix C of TOH-SDR >7% ** Design to be reviewed & approved by TE

Each section of subdivision will count the number of homes and/or proposed homes on an individual street, the number of homes in that group will determine the type of road required. The Zoning Administrator based on the design of the subdivision to include lots on a single street or streets and/or contiguous lots will determine the number of lots/residences in a section.

*A - if the total number of homes in a multi phase subdivision exceeds the original total the type of road required could change (i.e., a private street could be reclassified a collector street and resurfacing could be required).

** Roads greater than (>) 7% will need to conform to a more substantial surface. If the slope of a road exceeds 7% the street designed must be reviewed and approved by the Town Engineer at the applicants expense.

Note: These are street design and do not modify storm water runoff and management requirements.

Abbreviations: TOH Town of Horicon
 SDR Subdivision Regulations
 TE Town Engineer
 A/C Asphalt Concrete

11.12 Drainage Improvements

1. Removal of Spring and Surface Water

Except where a wetland is involved as defined in the zoning ordinance, the Planning Board may require the subdivider to carry away by pipe or open ditch any spring or surface water that may exist either previous to or as a result of the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate widths.

2. Drainage Structure to Accommodate Potential Development Upstream

A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall approve the design and size of the facility based on anticipated run-off from a ten-year, 24-hour continuous rainfall, if the contributing drainage area is one square mile or less, a 25-year, 24-hour rainfall if the contributing area is between one and four square miles, or a 100-year, 24-hour rainfall if the contributing drainage area is more than four square miles.

3. Responsibility from Drainage Downstream

The subdivider's engineer shall also study the effect of each subdivision on the existing downstream drainage facilities outside the area of the subdivision; this study shall be reviewed by the Town Engineer. Where it is anticipated that the additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a ten-year, 24-hour continuous rainfall, the Planning Board shall notify the Town Board of such potential condition. In such case, the Planning Board shall not approve the subdivision until such provision has been made for the improvement of said condition.

4. Stormwater Management Reports

Depending on the specific site characteristics, the Planning Board or Town Engineer may require an applicant to prepare a stormwater management report to identify existing conditions and potential impacts on, or contiguous to, the site.

11.13 Hydraulic Capacities of Bridges and Culverts

Stream crossings shall be roughly at right angles, and bridges or culverts shall be designed to carry the peak run-off rate from:

1. a ten-year, 24-hour rainfall If the contributing drainage area is one square mile or less,
2. a 25-year, 24-hour rainfall if the contributing drainage area is between one and four square miles, or
3. a 100-year, 24-hour rainfall if the contributing drainage area is more than four square miles.

In addition, culverts shall be located so as to maintain preconstruction drainage patterns, provided such patterns were acceptable prior to construction.

11.14 Individual Household Septic Systems

Where an existing centralized sanitary collection system is unavailable and where the Board deems it appropriate, individual on-site sanitary disposal may be utilized. All individual sanitary disposal designs shall conform with Town of Horicon standards as specified in the Town of Horicon Sanitary Regulations and shall also be subject to review and approval by the Planning Board and Town Engineer.

11.15 Survey and Mapping

1. General

Procedures shall include temperature and slope corrections to distance measurements; adjustment of closed baseline traverses; presentation of all necessary data clearly and completely; and the use of proper methods to obtain the required standards of accuracy.

2. Surveying Accuracy

The position closure of a traverse after distribution of azimuth errors shall not exceed 1:10,000. Discrepancies in levels between forward and backward runs shall not exceed one tenth of a foot times the square root of the length of section in miles.

3. Mapping Accuracy

The limits of error in any map shall not exceed 1/10 inch between points as scaled on the original map. The elevation error shall not exceed one half the contour interval.

4. Monuments and Bench Marks

All easements shall be monumented. Iron pipes shall be located at all lot corners and shall be located by reference monuments. Bench marks shall be set and marked with a USGS elevation unless an assumed datum is allowed by the Board.

Monuments and bench marks shall be carried from existing monuments or bench marks and their origin noted on the subdivision plat. Suitable primary control points shall be shown on the plat and all other dimensions, bearings, angles and similar data shall be referred to them.

5. Certification

The following certification accompanied by the imprint of the New York registration seal of the land surveyor and his name shall be included on the subdivision plat; "I hereby certify this map to be substantially correct and in accordance with the accuracy required by the Town of Horicon Subdivision Standards."

SECTION 12 - APPLICATION OF SECTION 281, TOWN LAW/CLUSTER DEVELOPMENT

Whereas, pursuant to resolution of the Town Board, the Planning Board is empowered to modify certain provisions of the Zoning Ordinance in accordance with the provisions of Section 281 of the Town Law (to wit the minimum lot area requirements of the Ordinance) for the purpose of enabling and encouraging flexibility of design and development of land in such a manner as to promote the most appropriate use of land, to facilitate the adequate and economic use of streets and utilities and to preserve the natural and scenic qualities of open lands, the following shall be the procedures and standards.

12.10 Procedures

1. Request by Subdivider

A subdivider may request the use of this section simultaneously with or subsequent to presentation of the sketch plan as per procedure described in Sections 6 and 7. Any submission subsequent to preliminary approval of a plat shall require a reapplication for sketch plat review.

2. Sketch Plat

A subdivider shall present along with a proposal in accordance with the provisions of this section, a standard sketch plat which is consistent with all the criteria established by these Subdivision Regulations including, but not limited to, streets being consistent with the Street Specifications, and lots being consistent with the Zoning Ordinance.

3. Plat Submission

Upon determination, by the Planning Board, that such sketch plat is suitable for the use of this Section, a preliminary plat meeting all of the requirements of such a determination shall be presented to the Planning Board, and thereafter the Planning Board shall proceed with the required public hearings, and all other requirements of these Regulations.

4. Local Filing, Notation on Zoning Map

Any subdivision plat finally approved which involves modifications as provided for in this Section shall be filed with the Town Clerk, who shall make appropriate notation and reference thereto on the Town Zoning Map.

12.20 Standards

1. The minimum acreage to which this section may be applicable shall be three (3) acres.
2. No such modifications by the Planning Board shall result in a greater overall density of lots or dwelling units than is permitted in the zoning district wherein such lands lie, as specified in the Zoning Ordinance and is shown on the official Zoning Map.
3. If the subdivision involves any shoreline subject to the shoreline lot width restrictions contained in the Zoning Ordinance, any modification of such restrictions shall not result in an overall intensity of development exceeding the number of principal buildings per linear width of shoreline as stated in the Adirondack Park Plan.
4. If the subdivision involves any shoreline subject to the shoreline lot width restrictions contained in the Zoning Ordinance, and utilized the special provisions of the preceding sub-paragraph, then the Planning Board shall specifically find, in connection with any approval thereof, that the applicant or applicants will provide the means, whether by deed restriction, restrictive covenant or other similar appropriate means to insure the retention of open space in the undeveloped portions of shoreline developed on such a basis.

5. No subdivision shall be approved by the Planning Board pursuant to this section which shall not reasonably safeguard the appropriate use of adjoining land or which shall not be consistent with the purposes and intent of the Town Zoning Ordinance or the policy of these regulations.
6. In the event that the implementation of this section results in a plat showing lands available for park, recreation, or other municipal purposes directly related to the plat, or in a plat showing lands to be retained in open space in order to comply either the average density of lots or dwelling units than is permitted in the zoning district wherein such lands lie, then the Planning Board, as a condition of plat approval, may establish in the case of lands for park, recreation, or other municipal purpose, such conditions on the ownership, use, and maintenance of such lands as it deems necessary to assure the preservation of such lands for their intended purposes, and may further in the case of lands to be retained in open space, require that such lands be restricted by deed restriction, restrictive covenant, conveyance of a scenic easement or conservation restriction to the Town or other appropriate means against any development or land use inconsistent with their retention in open space.
7. The provisions of this section shall not be deemed to authorize a change in the permissible use of such lands as provided in the Town Zoning Ordinance.

SECTION 13 - REGIONAL SUBDIVISIONS

13.10 Applicability of this Section

When a proposed subdivision is a regional subdivision, the provisions of this section shall apply in addition to all other provisions of these regulations. For the purpose of these regulations, any subdivision which constitutes both a Class B and Class A Regional Subdivision, shall be deemed a Class A Regional Subdivision in its entirety.

13.20 Special Requirement for Approval of Class B Regional Subdivision

When a proposed subdivision is a Class B Regional Subdivision, the Planning Board shall not render approval, conditional approval or conditional approval with modifications under Sections 6 and 7 hereof, unless the Board first determines that the subdivision would not have an undue adverse impact upon the natural, scenic, aesthetic, ecological, wildlife, historic, recreational or open space resources of the Adirondack Park or upon the ability of the public to provide supporting facilities and services made necessary by the subdivision taking into account the commercial, industrial, residential, recreational or other benefits that might be derived from the subdivision. In making this determination, the Planning Board shall consider those factors pertinent to the subdivision contained in the development considerations set forth at Appendix D hereof, and in so doing, the Planning Board shall be guided by the development objectives set forth in Section 13.60.

When the Planning Board renders final approval of a Class B Regional Subdivision under Sections 6 and 7, the Board shall issue a permit authorizing the subdivider to undertake the subdivision in accordance with any terms and conditions set forth therein. The Planning Board, in conjunction with its approval of any Class B Regional Subdivision, may impose such requirements and conditions as are allowable within the proper exercise of the police power, including the restriction of land against further development of principal buildings, whether by deed restriction, restrictive covenant or other similar appropriate means, to insure that guidelines as to intensity of development as provided in the Zoning Ordinance shall be respected, and the imposition of reasonable conditions to insure that the subdivision will be adequately supported by services and improvements made necessary thereby and to insure that the subdivision will be completed in accordance with the terms of the approval and permit. In addition, the Planning Board may

incorporate any such requirements and conditions in the permit issued with regard to such Class B regional subdivision.

13.30 Special Additional Procedures Regarding Class B Regional Subdivisions

When a proposed subdivision is a Class B regional subdivision, within ten (10) days following receipt of a completed application under Sections 6 or 7, the Planning Board shall furnish the Adirondack Park Agency a copy of the application and plat together with such further pertinent information as the Agency may deem necessary. The Planning Board shall also mail a copy of the notice of public hearing on the subdivision to the Agency at least five (5) days before such hearing. The Agency shall be a full party in interest with standing to participate in the hearing and any other proceedings pursuant to this Section.

13.40 Criteria and Certain Procedures for Adirondack Park Agency Review of Class A Regional Subdivisions

The Adirondack Park Agency's review of Class A Regional Subdivisions within the territory of the Town pursuant to and in accordance with Section 809(9) of the Adirondack Park Agency Act, shall be governed by the criteria and certain procedures hereinafter set forth, as well as those set forth in the Act.

As soon as reasonably and practicable following receipt by the Planning Board from the Adirondack Park Agency of notice of application completion with regard to a Class A Regional Subdivision, the Planning Board or one or more designees thereof shall consult with the Agency for the purpose of analyzing the application and formulating advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the Town Local Land Use Ordinances and Regulations.

Not later than thirty (30) days following receipt by the Planning Board from the Agency of such notice of application completion with regard to a Class A Regional Subdivision, the Planning Board shall, by certified mail, provide to the Agency its advisory recommendations as to whether the subdivision meets all of the pertinent requirements and conditions of the Town Local Land Use Program. Should the Planning Board fail to provide such recommendations within the said period, or otherwise agreed upon period, the Agency may make the finding required by subparagraph (c) hereof without receipt of such recommendations.

The Adirondack Park Agency shall not approve a Class A Regional project unless it first determines, after consultation with the Planning Board and receipt of the advisory recommendations of the Planning Board relative to the project, that the project would comply with all the pertinent requirements and conditions of the Town Local Land Use Program.

In making the determination required by Section 809(9) of the Adirondack Park Agency Act as to the impact of a proposed Class A Regional Subdivision upon the resources of the Adirondack Park including the ability of all levels of government to provide supporting facilities and services made necessary by the subdivision, the Agency shall consider those factors pertinent to the subdivision contained in the development considerations set forth in Appendix D hereof, and in so doing, shall be guided by the development objectives set forth in Section 13.60.

13.50 Establishment of Joint Procedures With the Adirondack Park Agency for Review of Class A Regional Subdivisions

The Planning Board may establish whatever joint procedures with the Adirondack Park Agency for review of Class A Regional Subdivisions which the Board in its discretion deems desirable to minimize duplication and generally expedite the review process.

13.60 Development Objectives For Use in Review of Regional Subdivisions

The principal natural and public resource aspects of a project site to be considered in connection with the determination required by paragraph 13.20 of this article and referred to by paragraph 13.40 of this article, together with representative means for avoiding undue adverse impact thereupon include the following:

A. Soils.

1. Soils, General.

Objective: Prevent accelerated soil erosion and the potential for earth slippage.

General Guideline: Respect existing natural features such as slope, soil texture and structure; minimize removal of vegetative cover; rapidly revegetate cleared areas limit cuts and fills; and employ such erosion control devices and measures as are necessary to promptly stabilize slopes and surfaces and to control runoff.

2. Agricultural Soils.

Objective: Conserve viable agricultural soils.

General Guideline: Avoid activities on Class I and Class II agricultural soils presently in agricultural service which would diminish or preclude continuing use thereof for agricultural purposes.

B. Topography.

Objective: Minimize topographic alterations.

General Guideline: Minimize excavation, cuts and fills and site grading by employing to advantage existing topographic features; and avoid development activities on steep slopes where environmental damage and costly development problems could result therefrom.

C. Surface Waters.

1. Water Quality and Eutrophication.

Objective: Maintain or enhance existing physical, chemical and biological water quality characteristics and prevent any undue acceleration of existing rates of eutrophication of bodies of water.

General Guideline: Maintain wide buffer strips of natural vegetation bordering water bodies; minimize channel disturbance and alterations; preserve shoreline vegetation; minimize hydrologic changes which would result from damming or impounding; avoid introduction of nutrients from the use of fertilizers and from sewage effluent; and avoid introduction of toxic materials to water bodies.

2. Surface Drainage.

Objective: Retain existing surface water drainage and runoff patterns and existing flow characteristics.

General Guideline: Minimize alterations to existing drainage patterns and drainage courses; preserve drainageways in their natural state; and provide, where necessary, natural ponding areas and other measures designed to provide natural retention of storm water runoff if development includes a significant area of impervious surface.

1. Flood Plains.

Objective: Maintain the storage capacity of flood plains and their existing ability to convey water downstream; and avoid activities in flood plains which will result in dangers to life, safety and property if subjected to flooding.

General Guideline: Avoid the placement of buildings intended for human habitation commercial use and industrial use within flood plains; avoid the use of fill to create elevated sites; and within

any floodway fringe special zoning district conform all development plans to the floodplain regulations contained in Article VII, hereof.

D. Ground Water.

Objective: Preserve quality, infiltration rate, and levels of ground water.

General Guideline: Comply at a minimum with applicable government water pollutant discharge restrictions; particularly avoid discharges of effluent potentially degrading to ground water quality in proximity to major aquifer recharge areas; and avoid impairment of aquifer recharge areas which could result from covering them with impervious surfaces.

E. Shorelines.

Objective: Maintain or enhance the existing physical, biological and aesthetic characteristics of the shoreline of all lakes, ponds, rivers and streams.

General Guideline: Comply at a minimum with applicable government shoreline restrictions, minimize construction or development of any kind near or on the shoreline; avoid physical modifications of the shorelines themselves; minimize the removal of vegetation along shorelines; locate buildings so as to be partially screened from the shorelines by natural vegetation; maximize the preservation of stretches of shoreline in a natural, unchanged and developed state.

F. Mineral Resources.

Objective: Conserve existing known mineral resources.

General Guideline: Avoid activities which would preclude present or future use of important mineral resources that may be of economic significance to the region.

G. Air Quality.

Objective: Maintain or enhance existing air quality.

General Guideline: Adhere to applicable governmental air quality standards; provide adequate air pollution abatement devices; and reduce dust levels caused by construction activities.

H. Noise Levels.

Objective: Limit additions to noise levels.

General Guideline: Adhere at a minimum to applicable government noise level standards; utilize noise abatement equipment; and maintain natural buffers such as existing topographic relief and vegetation.

I. Wetlands.

Objective: Preserve the hydrologic, wildlife, vegetational, aesthetic, educational, open space and recreational values of wetlands.

General Guideline: Avoid development in marshes, bogs, swamps and periodically inundated lands or on lands immediately adjacent thereto if such development would result in environmental damage to the marsh, bog, swamp or periodically inundated land.

J. Aquatic Communities.

Objective: Protect generally the existing natural aquatic plant and animal communities and preserve rare and endangered aquatic plant and animal species.

General Guideline: Preserve key spawning areas, nursery grounds, food sources and food source areas; preserve habitats of rare and endangered plant and animal species; maintain adjacent vegetated areas generally as habitats and buffer zones; minimize shoreline alterations such as beach construction and emplacement of docks, rafts, boat launching facilities and breakwaters; and avoid introduction of toxic materials and nutrients to water bodies.

K. Terrestrial Vegetation.

1. Vegetation, General.

Objective: Preserve or quickly restore terrestrial vegetation.

General Guideline: Minimize clearing of vegetation in light of development objectives; avoid clearing vegetation where damage will result to remaining vegetation from such factors as wild, erosion and frost; and protect remaining vegetation during the construction period.

2. Rare and Endangered Terrestrial Plant Species.

Objective: Preserve rare and endangered terrestrial plant species.

General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered plant species and allow for the continuing propagation of these species.

3. Productive Commercial Forest Land.

Objective: Conserve productive forest lands.

General Guideline: Avoid impairment of productive forest lands for commercial forest production by employing sound forestry practices and by employing such planning techniques as clustering of development.

L. Fragile Ecosystems at Higher Elevations

Objective: Minimize disturbances of fragile ecosystems at higher elevations.

General Guideline: Avoid development at elevations of 2,500 feet or more.

M. Terrestrial Wildlife.

1. Terrestrial Wildlife, General.

Objective: Maximize the preservation of terrestrial wildlife species.

General Guideline: Preserve key wildlife habitats, such as deer wintering yards, nesting areas, productive feeding areas, and important vegetation transition areas; and maintain wildlife diversity to the extent possible in view of project objectives by maintaining a diversity of habitat.

2. Rare and Endangered Terrestrial Wildlife Species.

Objective: Preserve rare and endangered terrestrial wildlife species.

General Guideline: Locate development and other intensive human activities so as to protect the location and habitats of rare and endangered terrestrial wildlife species and allow for the continuing propagation of these species.

N. Aesthetics.

1. Aesthetics, General.

Objective: Preserve and enhance, where possible. Impact of the project upon the existing aesthetic qualities of the project site and its environs.

General Guideline: Utilize existing vegetation and topographical features, and employ careful siting methods so as to minimize the visual impact of all development activities.

2. Scenic Vistas.

Objective: Maintain the scenic qualities of views from vistas designated in the Adirondack Park State Land Master Plan.

General Guideline: Avoid visibility of buildings and other development and land use alterations generally from vistas by employment of vegetative screening, existing topography and careful siting methods.

3. Travel Corridors.

Objective: Preserve the scenic qualities of views from public roads and trails and from boats and canoe routes.

General Guideline: Employ vegetative screening, existing topography, and careful siting methods to minimize the visual impact of buildings and other development and land use alternations.

O. Open Space.

1. Open Space, General.

Objective: Maintain the open space character of the project site, adjacent land, and surrounding areas.

General Guideline: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling and cross-country skiing trails as well as trail-bike, jeep, all-terrain vehicle and horse trails, playgrounds, public areas, campgrounds, parks, beaches and similar uses.

2. Outdoor Recreation

Objective: Maintain the quality and availability of land for outdoor and open space recreational purposes.

General Guideline: Provide on the project site sufficient open space areas for outdoor recreational use by those persons who will use the proposed project, taking into account the existing recreational resources available in the area; and locate buildings and other development so as not to interfere with those areas to be used as hiking, bicycling, and cross-country skiing trails as well as trail-bike, jeep, all-terrain vehicle and horse trails, playgrounds, picnic areas, campgrounds, parks, beaches , and similar uses.

P. Adjoining and Nearby Land Use.

1. Adjacent Land Uses, General.

Objective: Minimize incompatibility of new development with the character of adjoining and nearby and uses.

General Guideline: Take into account the existing and potential land uses in the vicinity of the project site in determining what new land use activities are suitable for the project site; avoid new intensive development in open space areas; and avoid substantially altering existing residential and other land use patterns.

2. Adjacent State Land.

Objective: Preserve the wild and natural character of adjacent state lands designed as wilderness, primitive, or canoe by the Adirondack Park State Land Master Plan.

General Guideline: Minimize development activities which would materially impair the wilderness attributes of these State lands; design and construct development that is located within one-eighth mile of these State lands so as to minimize its visual and audial impact in these wilderness-like areas, thereby insuring the continued capability of State and private types of ownership.

Q. Wild, Scenic and Recreational Study Rivers.

Objective: Protect or enhance the natural qualities of any river designated to be studied for possible inclusion in the State's wild, scenic or recreational river system.

General Guideline: Maintain buffer zones and existing vegetation along designated study rivers; avoid intensive development within one-quarter mile of such rivers; minimize alterations to such rivers and their banks; and pressure the free-flowing character of such rivers.

R. Historic Sites.

Objective: Protect archeological sites, historic sites, and unique historical structures for their educational and culture value to the area, region or State.

General Guideline: Preserve and restore archeological sites, historic sites, and unique historic structures to the extent warranted by their respective significance; avoid land uses and development on adjoining and nearby lands which would be incompatible with the significance of such sites and structures.

S. Special Interest Areas.

Objective: Preserve special interest areas such as unique natural features and their surrounding environs.

General Guideline: Avoid physical and aesthetic alteration and impairment of the natural condition of unique physical features such as gorges, waterfalls and interesting geological formations; provide for their continuing protection; utilize these special interest areas as assets to development.

T. Government Considerations.

1. Service and Finance.

Objective: Fully explore and assure the ability of governmental services and facilities made necessary by the project.

General Guideline: Phase development activities to a level commensurate with the financial capability of the various levels of government to provide the governmental services and facilities that will be generated by the development, such as transportation systems, schools, health care, sewage and solid waste disposal systems, water supply systems, and fire and police protection; require that as nearly as possible the balance between the cost of public services required to adequately serve the development as compared with the anticipated tax and other revenues to be generated by the development be favorable at each level of government or taxing jurisdiction affected by the project; and include in development plans provisions to maintain or improve existing services and alleviate any potential any adverse impact upon the ability for the government to provide services and facilities.

2. Regulation.

Objective: Conform development activities to all applicable governmental rules and regulations.

General Guideline: Comply with all applicable Local Laws, rules and regulations of all governmental agencies with responsibilities for such activities, including those of Towns and villages, counties, the State Department of Health and Environmental Conservation, and the Adirondack Park Agency.

U. Public Utilities and Community Resources.

Objective: Assure the adequacy of such public utility services and community resources as shall be necessary for the project.

General Guideline: Avoid excessive demands on the capabilities of public utilities such as electricity and communication services; avoid necessity for major uncompensated increase in community services and activities such as recreational facilities, social cultural and health services, and transportation facilities.

The principal development activities associated with a project to be considered in connection with the determination required by Section 10.40 (2), together with representative means for avoiding undue adverse impact include the following:

V. Streets and Roads

Objective: Design and construct roads and streets to provide safe and convenient access without causing undue adverse impacts on natural and public resources.

General Guideline: Conform street and road alignments with existing topography and vegetation; avoid steep slopes, abrupt curves and excessive cuts and fills; provide adequate road surfacing

and road bed drainage; preserve existing drainage patterns; and design streets and roads so as to minimize the impacts of construction and maintenance practices.

W. Siting and Construction Of Buildings

Objective: Design, site and construct buildings to best serve their intended functions and to minimize impact on existing natural and public resources.

General Guideline: Blend buildings with existing topography and their surrounding environs; avoid steep slopes; minimize grade alterations; and avoid complex and costly engineering solutions of site problems with potentially excessive environmental impacts.

X. Sewage Disposal

Objective: Select, design and locate sewage disposal systems to provide adequate treatment of effluent and to avoid contamination of surface or ground water.

General Guideline: Comply with all County and Town health standards; adhere at a minimum to the setback requirements for water bodies of Section 11.34; employ proven design criteria for sewage disposal systems in proper working order.

Y. Storm Drainage

Objective: Design, locate and construct storm drainage systems so as to maintain existing drainage patterns in a natural state and to minimize adverse hydrologic effects.

General Guideline: Provide adequate drainage for building sites and roads; avoid altering drainage patterns to the extent possible; utilize natural drainage ways for handling storm water runoff and preserve all natural surface water retention areas such as wetlands bogs and marshes; and minimize runoff by such other methods as preserving vegetative cover and avoiding the creation of unnecessary or extensive impervious surfaces.

Z. Water Supply

Objective: Locate, design and construct water supply systems so as to provide an adequate supply of potable water without adversely affecting existing water usage patterns or creating adverse effects with regard to aquifers and subsurface drainage patterns.

General Guideline: Comply with all County and Town Health standards with regard to the design, location, construction and maintenance of water supply systems.

AA. Solid Waste Disposal

Objective: Provide for the storage, collection, transportation and disposal of solid waste in a manner which will minimize air, water and visual pollution and in a manner which will not create hazards to the health and welfare of people or wildlife.

General Guideline: Comply with all applicable State and Town standards for the disposal of solid waste; utilize community solid waste disposal areas and recycling facilities; adequately screen disposal areas; locate disposal areas on deep, moderately permeable, well drained soils and at sufficient distances from water bodies so as to prevent contamination thereof~ and avoid locating disposal areas on steep slopes.

BB. Pesticides And Herbicides

Objective: Avoid all use of pesticides, herbicides and other biocides potentially detrimental to natural systems.

General Guideline: Strictly adhere to applicable regulations regarding type, quantity and techniques of application of pesticides, herbicides and other biocides; and prevent direct application of pesticides, herbicides and other biocides to surface waters or wetlands or in a manner which may cause contamination thereto.

CC. Shoreline Development

Objective: Design and construct development along shorelines so as to maintain existing aesthetic and ecological characteristics thereof and to avoid all significant impairment of these qualities.

General Guideline: Adhere at a minimum to the shoreline restrictions of Section 11.34. Maximize preservation of undeveloped shorelines by such methods as clustering and preservation of shoreline vegetation; minimize construction of docks and boathouses on shorelines; minimize aesthetic alterations to shorelines as viewed from water bodies and surrounding areas.

DD. Noise

Objective: Minimize noise insofar as practicable.

General Guideline: Employ such measures as appropriate site selection, appropriate construction methods and maintenance of natural cover for a buffering effect; adhere at a minimum to applicable governmental noise level standards.

EE. Signs

Objective: Avoid signage that detracts from aesthetic and scenic qualities.

General Guideline: Limit signs to the extent necessary to adequately inform viewers concerning the activities to which they relate; utilize signs which are appropriate to the character of the area in which they are located; avoid use of signs of excessive size, of signs that are insufficiently set back from natural and man-made travel corridors, and of signs containing moving parts of flashing lights.

FF. Utilities

Objective: Locate, design, construct and maintain utilities so as to efficiently accomplish project objectives and preserve natural and public resources.

General Guideline: Where required, locate utilities underground if feasible and in such a way that alignments are compatible with existing topography and vegetation; minimize visual impacts on surrounding areas by maintaining and preserving as much vegetative cover as possible and utilizing existing topography; and minimize maintenance practices such as herbicide spraying which could have adverse environmental impact on terrestrial and aquatic ecosystem.

SECTION 14 - EASEMENTS

In areas where permanent improvements are to be located in or on land that is not or will not be publicly owned, permanent easements shall be required.

1. Said easements shall have a minimum width of thirty (30) feet.
2. Said easements shall provide usable access to a public way.
3. Said easements shall be reviewed and approved by the Town Attorney.
4. Easements can be released only at the discretion of the Town Board.

Where a subdivision is traversed by a water course, drainage way, channel or stream there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. In no case shall the drainage easement be less than 20 feet in width.

SECTION 15 - AS BUILT PLANS

Permanent improvements such as sanitary sewers, water mains, and storm sewers often require maintenance and repair following their installation. To facilitate repair and maintenance it is necessary to know exact locations of the utilities in order to avoid tedious and expensive search.

Exact locations based upon engineering and surveying techniques of direction, distance and grade should be drawn to scale on plans submitted by the subdivider or his engineer to the Town for their records. Information such as the following should be indicated on the plans:

1. location of manholes
2. location of catch basins
3. location and direction of trunk sewer lines and water mains.
4. location of connections between the sanitary sewer trunk line and laterals
5. grades for laterals
6. depth of main trunk lines and laterals.

SECTION 16 - INSPECTIONS

All permanent improvements, as herein defined, shall require an inspection by the Town Engineer, or that person retained by the Town for such purposes.

The owner, developer or his agent shall inform the Town Engineer or person charged with such inspections at least twenty-four (24) hours before such inspection is required and shall not conceal, cover, hide or in any way render invisible any portion of a permanent improvement until such inspection has been made and approved.

All street grades and methods of construction shall require inspection before acceptance of same for future maintenance.

The street inspection shall be conducted by the Town Engineer or person charged with such duty.

SECTION 17 - WAIVERS

Where the Planning Board finds, due to the special circumstances of a particular Plat, that meeting a certain requirement of these regulations is not requisite in the interest of the public health, safety and general welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirement subject to appropriate conditions. Provided that, in no case shall any of the provisions of Section 13 be waived. In granting waivers, the Planning Board shall impose such conditions as will substantially assume that the objectives of the standards or requirements so waived are met.

SECTION 18- INVALIDITY

The invalidity of any section of these regulations shall not invalidate any other section thereof.

SECTION 19 - EFFECTIVE DATE

These regulations shall take effect after the adoption by the Planning Board and approval by the Town Board, in accordance with applicable provisions of Town Law.

APPENDIX A - CLASS A REGIONAL SUBDIVISIONS

1. HAMLET AREAS

- a. All subdivisions of land involving wetlands.
- b. Any subdivision of land that by agreement between the Town and the Agency, either prior to or at the time the local land use program is approved by the Agency, is to be reviewed by the Agency; provided, however, that any class of projects agreed upon must be designated by its review authorized in a local ordinance or local law.
- c. All subdivisions of land involving one hundred or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal, or transient use.

2. MODERATE INTENSITY USE AREAS

- a. All subdivision of land located in the following critical environmental areas:
 - (1) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Law during the period of such designation;
 - (2) involving wetlands;
 - (3) at elevations of twenty-five hundred feet or more;
 - (4) within one eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands.
- b. Any subdivision of land that by agreement between the Town and the Agency, either prior to or at the time the local land use program is approved by the Agency, is to be reviewed by the Agency, provided, however, that any class of projects agreed upon must be designated by and its review authorized in a local ordinance or local law.
- c. All subdivision of land involving seventy-five or more residential lots, parcels or sites or residential units, whether designed for permanent, seasonal or transient use.

3. LOW INTENSITY USE AREAS

- a. All subdivision of land located in the following critical environmental areas:
 - (1) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - (2) involving wetlands;
 - (3) at elevations of twenty-five hundred feet or more;
 - (4) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands.
- b. Any subdivision of land that by agreement between the Town government and the Agency, either prior to or at the time a local land use program is approved by the Agency, is to be reviewed by the Agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- c. All subdivision of land involving thirty-five or more residential lots, parcels or sites or residential units, whether their designed for permanent, seasonal or transient use.

4. RURAL USE AREAS

- a. All subdivisions of land located in the following critical environmental areas:
 - (1) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - (2) involving wetlands;
 - (3) at elevations of twenty-five hundred feet or more;
 - (4) within one-eighth of mile tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of State lands.
 - (5) within one hundred-fifty feet of the edge of the right-of-way of Federal or State highways, except for an individual single family dwelling and accessory uses or structures thereto;
 - (6) within one hundred-fifty feet of the edge of the right-of-way of County highways designated by rule or regulation of the Agency adopted pursuant to subdivision fourteen of section eight hundred nine or in an approved local land program, as major travel corridors by the Agency or local government.
- b. Any subdivision of land that by agreement between the Town government and the Agency, either prior to or at the time of a local land use program is approved by the Agency, is to be reviewed by the Agency; provided, however, that any class projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- c. All subdivisions of land involving twenty or more residential lots, parcels or sites or residential units, whether designated for permanent, seasonal or transient use.

5. RESOURCE MANAGEMENT AREAS

- a. All subdivisions of land located in the following critical environmental areas:
 - (1) within one-quarter mile of rivers navigable by boat designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law during the period of such designation;
 - (2) involving wetlands;
 - (3) at elevations of twenty-five hundred feet or more;
 - (4) within one-eighth mile of tracts of forest preserve land or water now or hereafter classified as wilderness, primitive or canoe in the master plan for management of state lands;
 - (5) within three hundred feet of the edge of the right-of-way of Federal or State highways.
 - (6) within one hundred-fifty feet of the edge of the right-of-way of County highways designated by rule or regulation of the Agency adopted pursuant to subdivision fourteen of section eight hundred nine or in an approved local land program, as major travel corridors by the Agency or local government.
- b. Any subdivision of land that by agreement between the Town government and the Agency, either prior to or at the time the local land use program is approved by the Agency, is to be reviewed by the Agency; provided, however, that any class of projects so agreed upon must be designated by and its review authorized in a local ordinance or local law.
- c. All subdivision of land (and all land uses and development related thereto) involving two or more lots, parcels or sites.

6. AMENDMENTS

Any amendment to the Class A regional project list in Section 810 (i) of the Adirondack Park Agency Act subsequent to the effective date of these regulations shall be deemed to effect a

corresponding change in this Appendix A without action by the Town, insofar as the amendment affects the delineation of subdivisions which are Class A regional projects.

APPENDIX B - CLASS B REGIONAL SUBDIVISIONS

1. MODERATE USE INTENSITY AREAS

- a. Subdivisions of land (and all land uses and development related thereto) involving fifteen or more but less than seventy-five lots, parcels or sites, other than subdivisions of land involving mobile homes.
- b. Subdivisions of land (and all land uses and development related thereto) involving less than fifteen lots, parcels or sites, other than subdivisions of land involving mobile homes, which do not meet the following criteria:
 - (1) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least twenty-five thousand square feet in size and complies with all of the provisions of the shoreline restrictions.
 - (2) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least forty thousand square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional Project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds fourteen.

- c. Subdivisions of land involving mobile homes (and all land uses and development related thereto) and involving two or more lots, parcels or sites.
- d. Subdivisions of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- e. All subdivision of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

2. LOW INTENSITY AREAS

- a. Subdivisions of land (and all land uses and development related thereto) involving ten or more but less than thirty lots, parcels or sites other than subdivision of land involving mobile homes.
- b. Subdivisions of land (and all land uses and development related thereto) involving less than ten lots, parcels or sites which do not meet the following criteria:
 - (1) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least fifty thousand square feet in size and complies with all of the provisions of the shoreline restrictions.
 - (2) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least one hundred twenty thousand square feet in size.

Any subdivision or subsequent subdivision of land, either by the original owner or subsequent owners, shall be subject to review as a Class B Regional Project where the total number of lots, parcels or site resulting from such subdivision and any prior subdivision or subdivisions exceeds nine.

- c. Mobile home subdivisions (and all uses and development related thereto) involving two or more lots, parcels or sites.
- d. Subdivision of land involving the clustering of buildings on land having shoreline on the basis of specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restrictions.
- e. All subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

3. RURAL USE AREAS

- a. Subdivision of land (and all land uses and development related thereto) involving five or more but less than twenty lots, parcels or sites, other than subdivisions of land involving mobile homes.
- b. Subdivisions of land (and all land uses and development related thereto) involving less than five lots, parcels or sites which do not meet the following criteria:
 - (1) In the case of such subdivisions involving land having shoreline, each lot, parcel or site is at least eighty thousand square feet in size and complies with all of the provisions of the shoreline restrictions of the Plan.
 - (2) In the case of such subdivisions not involving land having shoreline, each lot, parcel or site is at least three hundred twenty thousand square feet in size.

Any subdivision or subsequent subdivision of such land, either by the original owner or subsequent owners, shall be subject to review as a Class B regional project where the total number of lots, parcels or sites resulting from such subdivision and any prior subdivision or subdivisions exceeds four.

- c. Mobile home subdivisions (and all land uses and development related thereto) involving two or more lots, parcels or sites.
- d. Land use or development or subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate fraction thereof, as provided for in the shoreline restriction.
- e. All subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

4. RESOURCE MANAGEMENT AREAS

- a. Subdivision of land involving the clustering of buildings on land having shoreline on the basis of a specified number of principal buildings per linear mile or proportionate number thereof, as provided in the shoreline restriction.
- b. All subdivisions of land within one-quarter mile of rivers designated to be studied as wild, scenic or recreational in accordance with the Environmental Conservation Law, other than those navigable by boat, during the period of such designation.

5. AMENDMENTS

Any amendment to the Class B regional project list in Section 810 (2) of the Adirondack Park Agency Act subsequent to the effective date of these regulations shall be deemed to effect a corresponding change in this Appendix B without action by the Town insofar as that amendment affects the delineation of subdivisions which are Class B regional subdivisions.

APPENDIX C

IMPROVEMENT SPECIFICATIONS

1. Street Alignment

- a. Horizontal alignment shall have:
 - (1) A minimum radius between intersections of one hundred fifty (150) feet.
 - (2) A minimum radius of ten (10) feet at the property line at the intersection of street rights-of-way, except that intersections of any highway with a major street shall have a minimum radius of forty (40) feet and those with a minor street shall have a radius of twenty (20) feet.
- b. Vertical Alignment shall have:
 - (1) A minimum grade of one (1) percent.
 - (2) Desirable maximum grade of eight (8) percent; ten (10) percent on minor streets. The Planning Board, at its discretion and when an applicant can document practical difficulties in conforming to the above referenced standard due to the topography and geology of a site, may allow grades in excess of the stated standards. In general, grades exceeding the standards should not be permitted for excessive distances or within close proximity to intersections. When roads are permitted to exceed the above referenced standards the Board may require paving in accordance with the pavement specifications for a collector road.
 - (3) A maximum grade of three (3.0) percent within one hundred feet (100') of street intersections.
 - (4) All changes in grade of more than one (1.0) percent shall be connected by a vertical curve and shall have a minimum length of one hundred (100) feet.
- c. Sight distance shall be at least:
 - (1) One thousand (1000) feet for arterial roads.
 - (2) Five hundred (500) feet for collector roads.
 - (3) Three hundred (300) feet for all other streets.
- d. Standards for all highways shall be determined by the Planning Board with advice from the Highway Superintendent, Public Works Department or Town Engineer.

2. Required Construction Types

a. Subgrade

All trees, brush, topsoil, stumps, roots more than one-half inch in diameter, and rubbish shall be removed from the area of the roadway. Boulders shall be removed to a depth of one (1) foot below the subgrade surface.

Muck, spongy material or other unsuitable material shall be completely removed and the excavation filled with suitable material.

The subgrade shall be compacted to ninety-five (95) percent Standard Proctor (ASTM D 698). The final compacted surface shall not be more than one-half inch higher than design subgrade in any location and shall be the same cross-sectional shape as the final design grade. It shall also be proof-rolled, with witnessing by the Town Engineer, to determine if stabilization fabric may be required. Fill slopes shall not be steeper than 2 horizontal on 1 vertical (2:1). Cut slopes shall not be steeper than 2:1 on coarse sand and gravel soils, 2 1/2:1 in fine sand and silty sand, 3:1 in sandy silt, and 4:1 in silt, and sandy clay, or clay. If internal drainage measures and/or lateral structural support is provided by the subdivision

for wet soil conditions or fine grained soils, the slopes may be steeper in accordance with design analysis.

b. Paving

(1) Subbase

Minor streets shall have a minimum crushed rock subbase coarse of twelve (12) inches of NYSDOT Type 2 (Item 304.03). Collector streets shall have a minimum coarse of either twelve (12) inches of NYSDOT Type 1 (Item 304.02) or Type 4 (Item 304.05) materials. Subbase shall be installed in two (2) lifts and properly shaped and compacted with a ten (10) ton roller until no further displacement occurs.

(2) Surface Constructions - Minor Streets

Minor streets shall correspond with design standards presented in Section 10 and Drawing #1 of this section and shall utilize a double surface treatment which generally includes the application of a liquid asphalt covered by crushed stone and then rolled. The second application is then applied using the same methodology. Outline below are specific procedures for the two (2) applications:

First application:

- (a) Apply asphalt prime at a rate of .4 gallon per square yard, using State approved MC250 or 70 MA emulsified primer, or equal.
- (b) Follow with a covering of 40 lbs. of #1 crushed stone per square yard, using an aggregate spreader box.
- (c) Roll once with a ten (10) ton roller. Broom with a drag broom at a speed not to exceed 2 miles per hour. Entire surface should be broomed.
- (d) Roll until aggregate is embedded in the asphalt prime.
- (e) No traffic shall be permitted until second application is completed.

Second application:

- (a) Apply 0.6 gallon per square yard of emulsified asphalt or equal
- (b) A cover of 25 to 30 lbs. of clean #1 crushed stone shall be applied per square yard and rolled. Rolling shall progress from side to center. No brooming is advised on this application.
- (c) If necessary, broom once and re-roll.
- (d) No traffic shall be permitted until both applications are thoroughly cured.

(3) Surface Construction - Collector Street

Materials and construction methods for the asphalt concrete binder coarse and asphalt concrete coarse of the collector roads shall conform to Section 403 of the NYSDOT and Town Highway Standards.

c. Curbs and Gutter

Integral curb and gutter may be required on collector streets by the Town Engineer or Planning Board. A collector street detail showing curb and gutter designs is included as Drawing #4 in Appendix C.

d. Pavement Crown

(See dwg., Typical Street Section) Pavement cross section shall be of a modified parabolic configuration with the centerline elevation being 6' above the gutter.

e. Driveway Aprons

(See dwg., Typical Driveway Details) All driveways or other parking areas shall be driveway aprons extending from the gutter line to the property line. Driveway aprons shall be of the

same construction as the street paving or better. Driveway aprons shall be at least ten (10) feet wide at the gutter face and at least eight (8) feet wide at the property line.

f. Street Signs

Street signs shall be provided by the appropriate Town agency.

g. Planting Strips

All planting strips within the street right-of-way shall be finished, graded, properly prepared, and seeded or sodded with lawn grass in conformance with good nursery and landscape practice.

h. Monuments

All monuments shall be constructed of concrete or stone and shall be four (4) inches square with a length of at least 36"; or 1" diameter deformed reinforcing rods at a minimum of 36" in length or as approved by the Planning Board, and shall be set at finished grade.

- (1) One monument shall be located at each corner and at each general change in direction of the boundary of the subdivision.
- (2) Two monuments shall be located at each street intersection.
- (3) Monuments shall be located at the beginning and end of each curve along one side of the street right-of-way.

PUBLIC IMPROVEMENTS

1. All gas, electric, telephone, sewer and water lines shall be installed in accordance with the specifications of the agency, utility company or government authority or special district which has jurisdiction in the area.
2. A letter approving such a proposed installation and a statement as to who will carry out the construction signed by a responsible official of the agency, utility company or government authority or special district which jurisdiction in the area shall be directed to the Chairman of the Planning Board and shall be received prior to final plat approval.

DRAINAGE SYSTEM SPECIFICATION

1. Grading and Drainage System Plan

A grading and drainage system plan shall be part of a preliminary plat (Major subdivision), Final Plat (Minor subdivision) and shall be in conformance with the Town's storm water plan, where applicable. It shall indicate a proposal for an adequate system of drainage structures to carry off and store or discharge the storm water run-off and drainage water which originates not only within the property boundaries, but also that which originates beyond the property boundaries.

The public improvement and utilities plan and profiles shall show the final drainage plan and street profiles. They shall be prepared and submitted with the Final Plat, and be reviewed and approved by the Town Engineer.

No storm water run-off or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures or other private properties or public lands without proper and approved provisions being made for taking care of these conditions. The basis for all storm drainage structures shall be a ten-year storm.

2. Brooks or Ditches

Finished grades of all road ditches shall be a minimum of one and one-half (1 1/2) feet below the center of the road surfaces.

A brook or ditch right-of-way, of sufficient minimum width to include a ten (10) foot access strip in addition to the width of the ditch or brook from bank top to bank top, shall be offered for dedication to the Town for drainage purposes. Such right-of-way shall be shown on the drainage plan and on the Final Plat.

3. General Design Standards

Valley gutters will be permitted at "T" intersections where they are parallel to center line of the through road. This is to be accomplished by gradually taking out the crown of the intersecting street starting from a point about thirty (30) feet from the flow line of the through street. At other than "T" intersections, valley gutters will be permitted only when warranted by limited traffic use, but never across heavily traveled streets.

Drainage structures which are located on county or State highways shall be approved by the appropriate highway engineer's office and a letter of permit from that office indicating such approval shall be directed to the Planning Board.

4. Specification for Drainage System Structure

a. Catch Basins and Manholes

Catch basins, manholes, frames, covers and grates shall conform to Town standards, as presented in Drawings 5, 6 and 7 in Appendix C.

Storm inlets shall be located to intercept runoff before it enters an intersection and at all low points. Catch basins on storm mains shall be provided with sumps. All culverts shall be constructed of reinforced concrete pipe, reinforced concrete box culverts, or other designs approved by the Town Engineer and Planning Board. A visual marker four (4) feet high may be required along the high R.O.W. at each headwall and extend a minimum of four (4) feet beyond the top of the ditch or brook bank on each side of the headwall.

b. Pipe Design

(1) All storm drainage pipes shall be designed such that the projected velocities from the design storm are greater than three (3) feet per second.

(2) The minimum pipe size used shall be twelve (12) inch diameter.

(3) All pipe used for storm drainage systems shall be one of the following types:

(a) RC

(b) CAP (16 gauge minimum)

(c) ADS N-12

(d) PVC (SDR 26 or 35)

(e) Other materials may be utilized as approved by the Planning Board or Town Engineer. Use of CMP or ACMP is not permitted.

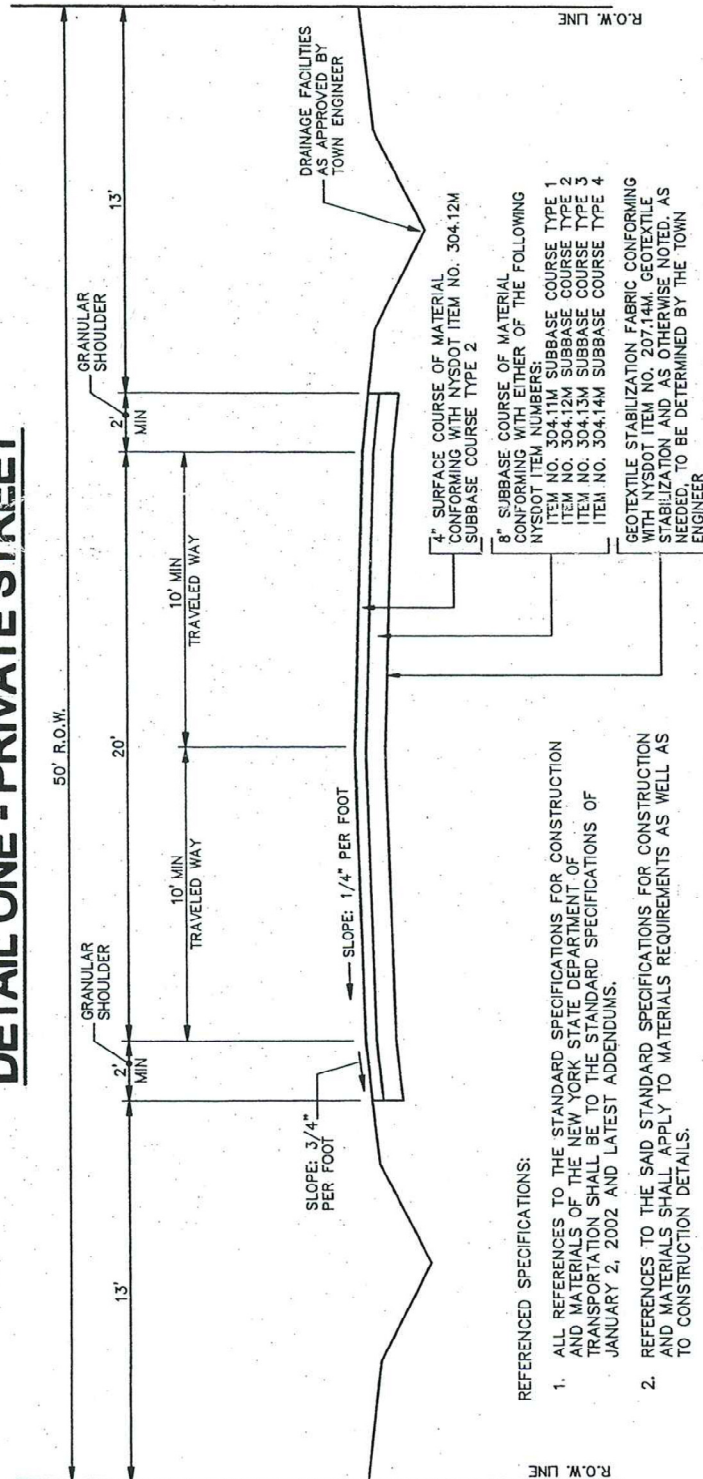
(4) RCP eighteen (18) inches or less in diameter shall be the bell or spigot type. RCP over eighteen (18) inches shall be of the tongue and groove type.

(5) All pipe for storm systems shall be installed with a minimum of three (3) feet of cover where possible.

(6) Pipes shall be designed for the overloading and line loads they will be subject to. Type and class of pipe, and bedding conditions shall be specified.

(7) All pipe junctions shall be made in manholes or catch basins.

DETAIL ONE - PRIVATE STREET



REFERENCED SPECIFICATIONS:

1. ALL REFERENCES TO THE STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS OF THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION SHALL BE TO THE STANDARD SPECIFICATIONS OF JANUARY 2, 2002 AND LATEST ADDENDUMS.
2. REFERENCES TO THE SAID STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS SHALL APPLY TO MATERIALS REQUIREMENTS AS WELL AS TO CONSTRUCTION DETAILS.
3. THE ONLY VARIANCES TO THE SAID NYSDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS SHALL BE TO THE ENGLISH AND NOT METRIC UNITS.

NOTES:

1. GEOTECHNICAL STABILIZATION FABRIC SHALL BE MIRAF GEOLON HP-SERIES WOVEN POLYPROPYLENE GEOTEXTILE FOR STABILIZATION AND SOIL REINFORCEMENT APPLICATIONS - HP570, OR APPROVED EQUIVALENT.
2. WHEN THE PROPOSED VERTICAL ALIGNMENT INCLUDES GRADES IN EXCESS OF SEVEN (7) PERCENT, THE SAID DESIGN IS SUBJECT TO THE REVIEW AND APPROVAL BY THE TOWN ENGINEER.

PREPARED BY:

THE **Chazen** COMPANIES
ENGINEERS • SURVEYORS
PLANNERS • ARCHITECTS
ENVIRONMENTAL PROFESSIONALS
LANDSCAPE ARCHITECTS

REVISION DATE



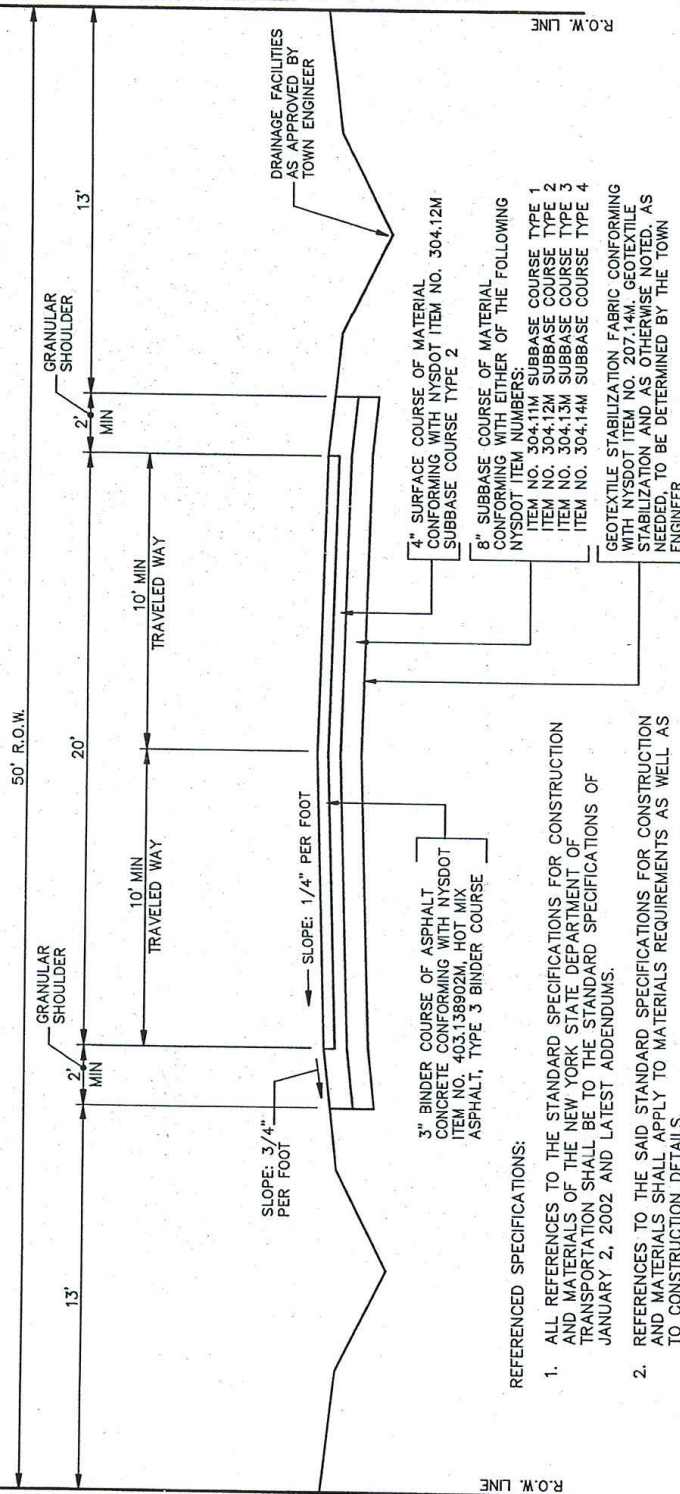
STANDARD DETAIL
TOWN ROADS

D1

DECEMBER 2007

(Amended by Resolution 63 of 2006)

DETAIL TWO - MINOR STREET / COLLECTOR STREET



REFERENCED SPECIFICATIONS:

1. ALL REFERENCES TO THE STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS OF THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION SHALL BE TO THE STANDARD SPECIFICATIONS OF JANUARY 2, 2002 AND LATEST ADDENDUMS.
2. REFERENCES TO THE SAID STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS SHALL APPLY TO MATERIALS REQUIREMENTS AS WELL AS TO CONSTRUCTION DETAILS.
3. THE ONLY VARIANCES TO THE SAID NYSDOT STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS SHALL BE TO THE ENGLISH AND NOT METRIC UNITS.

NOTES:

1. GEOTECHNICAL STABILIZATION FABRIC SHALL BE MIRAFI GEOLON HP-SERIES WOVEN POLYPROPYLENE GEOTEXTILE FOR STABILIZATION AND SOIL REINFORCEMENT APPLICATIONS - HP570, OR APPROVED EQUIVALENT.
2. ASPHALT CONCRETE SHALL COMPLY WITH THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR CONSTRUCTION AND MATERIALS SECTION 400-HOT MIX ASPHALT AND ALL SUBSECTIONS.

PREPARED BY:

THE

Chazen
COMPANIES

ENGINEERS • SURVEYORS
PLANNERS • GIS SPECIALISTS
ENVIRONMENTAL PROFESSIONALS
LANDSCAPE ARCHITECTS

REVISION DATE

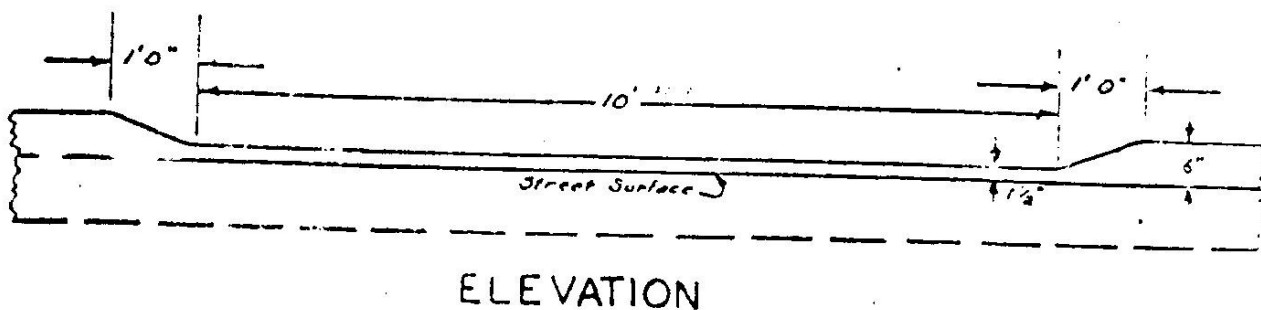
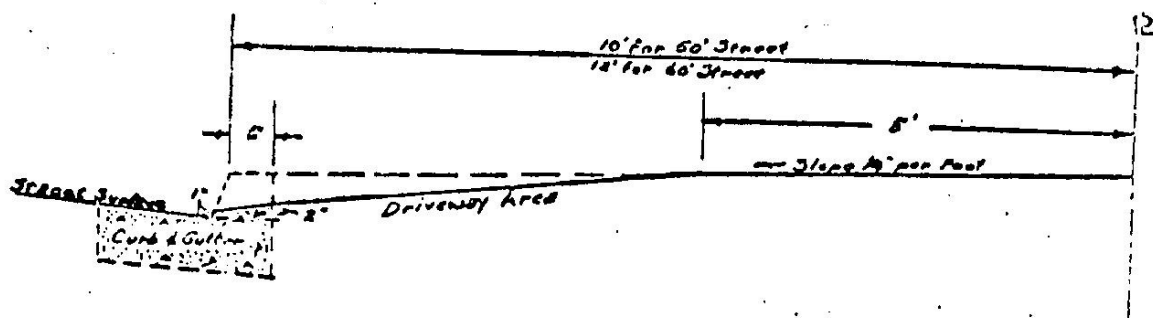
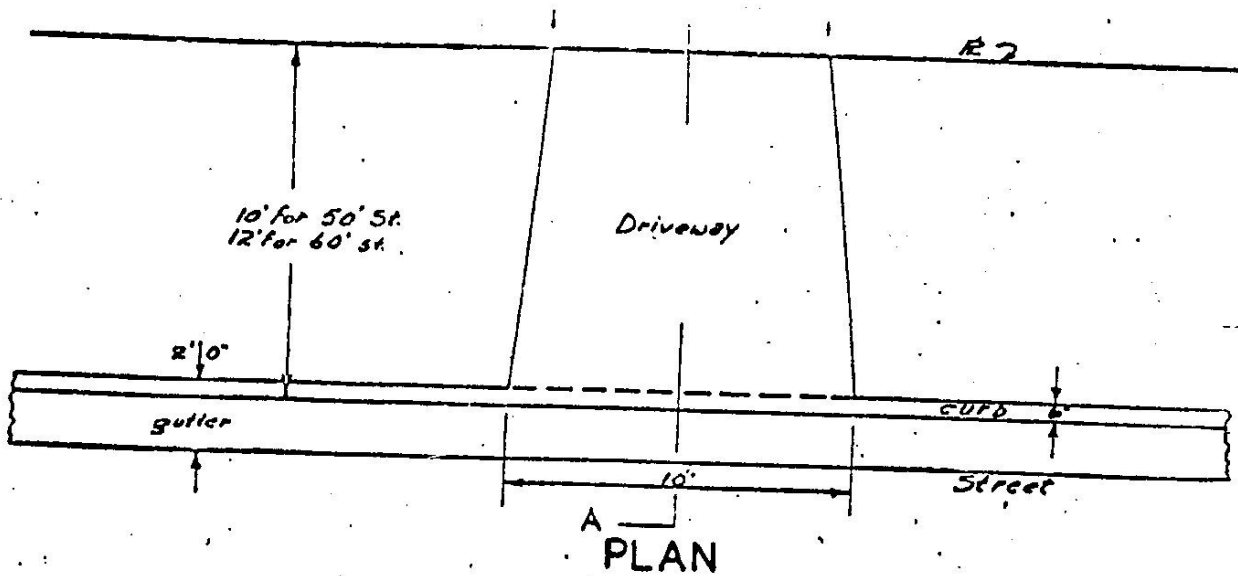


STANDARD DETAIL
TOWN ROADS

D2

DECEMBER 2007

(Amended by Resolution 63 of 2006)



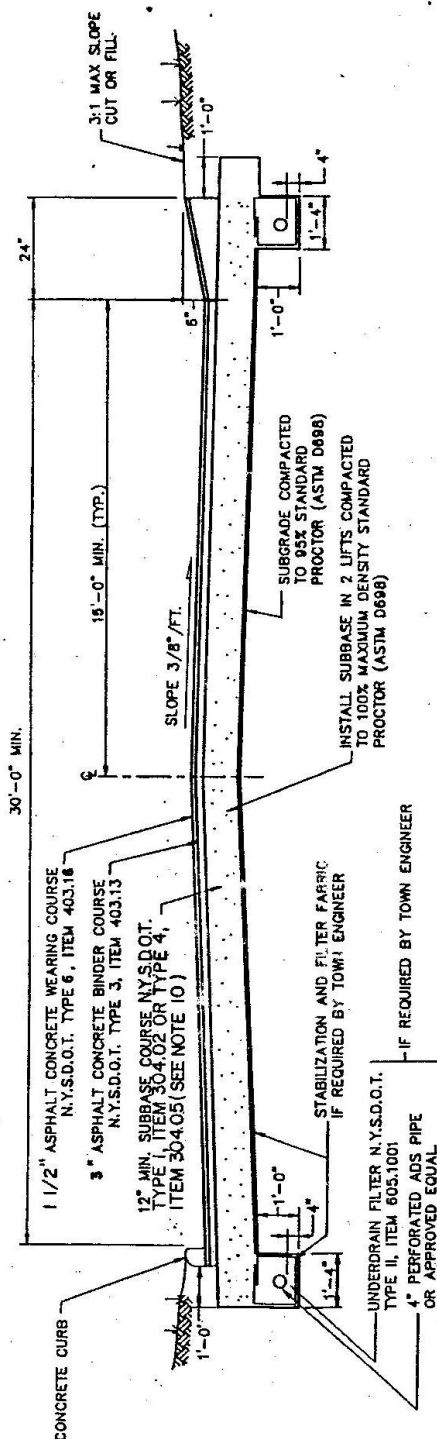
TYPICAL DRIVEWAY DETAILS

DRAWING # 3

60' R.O.W. MINIMUM

CONCRETE CURB SECTION

INTEGRAL GUTTER SECTION



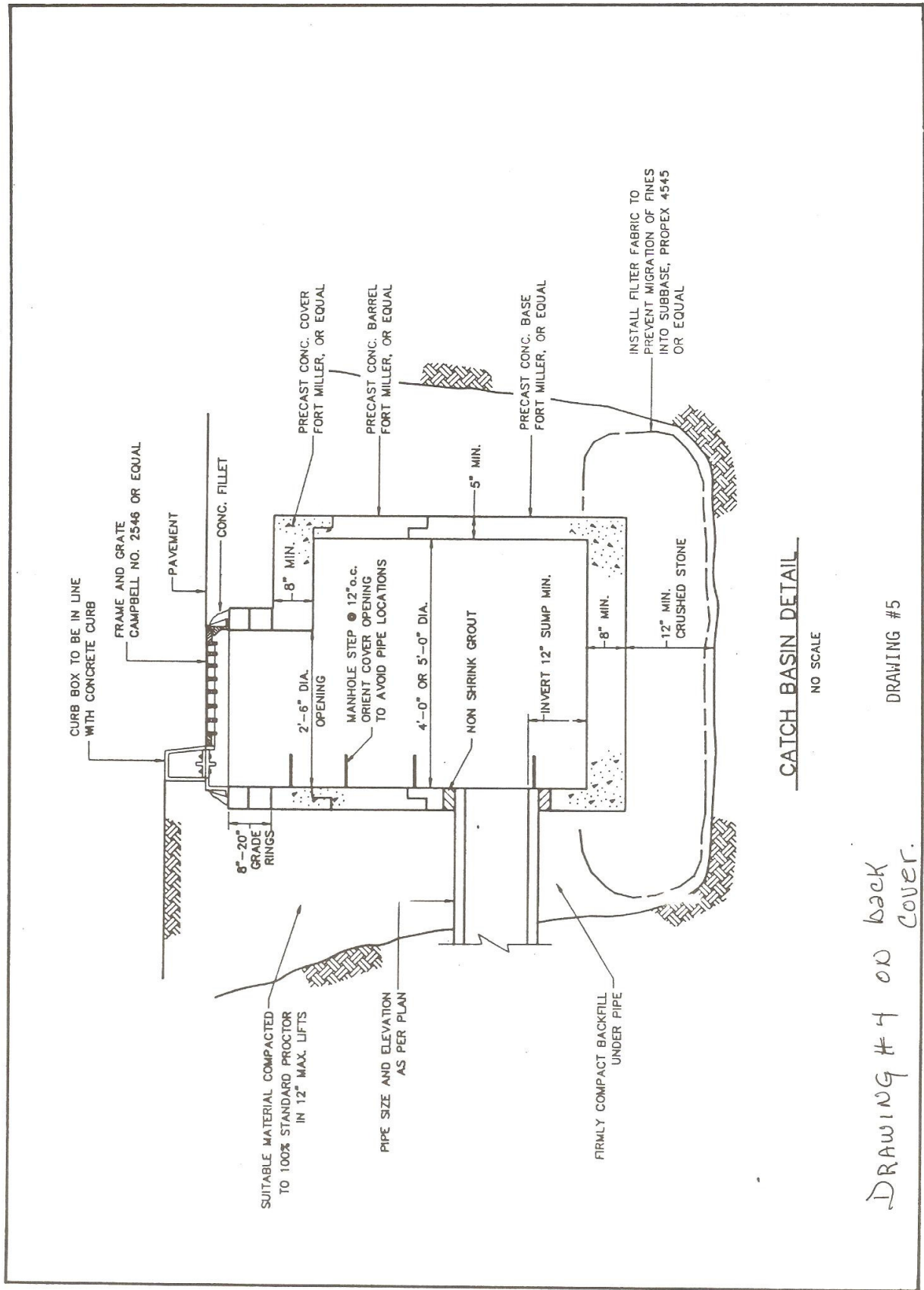
TYPICAL CROSS SECTION - COLLECTOR ROAD WITH CURB OR INTEGRAL GUTTER

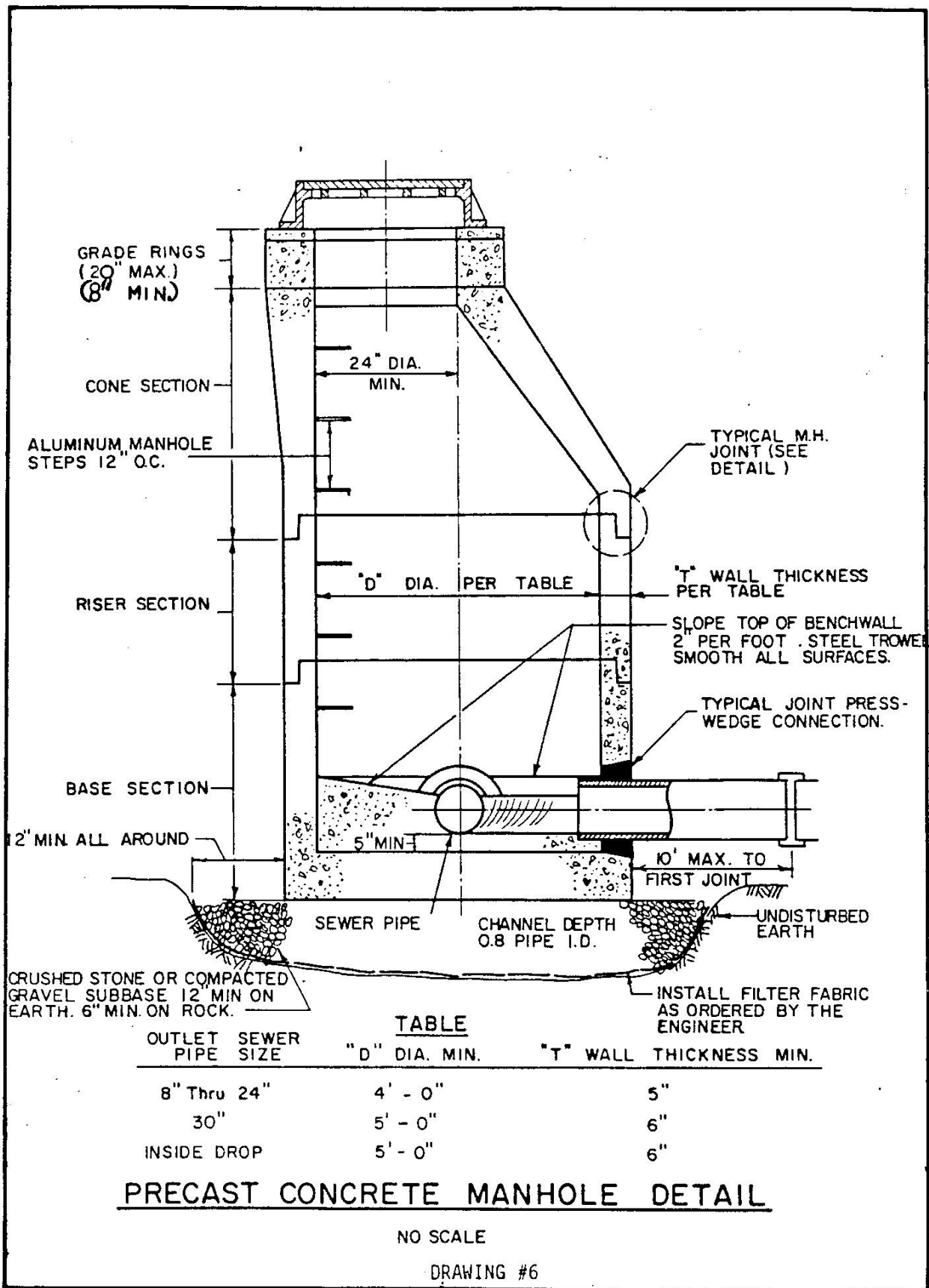
NO SCALE

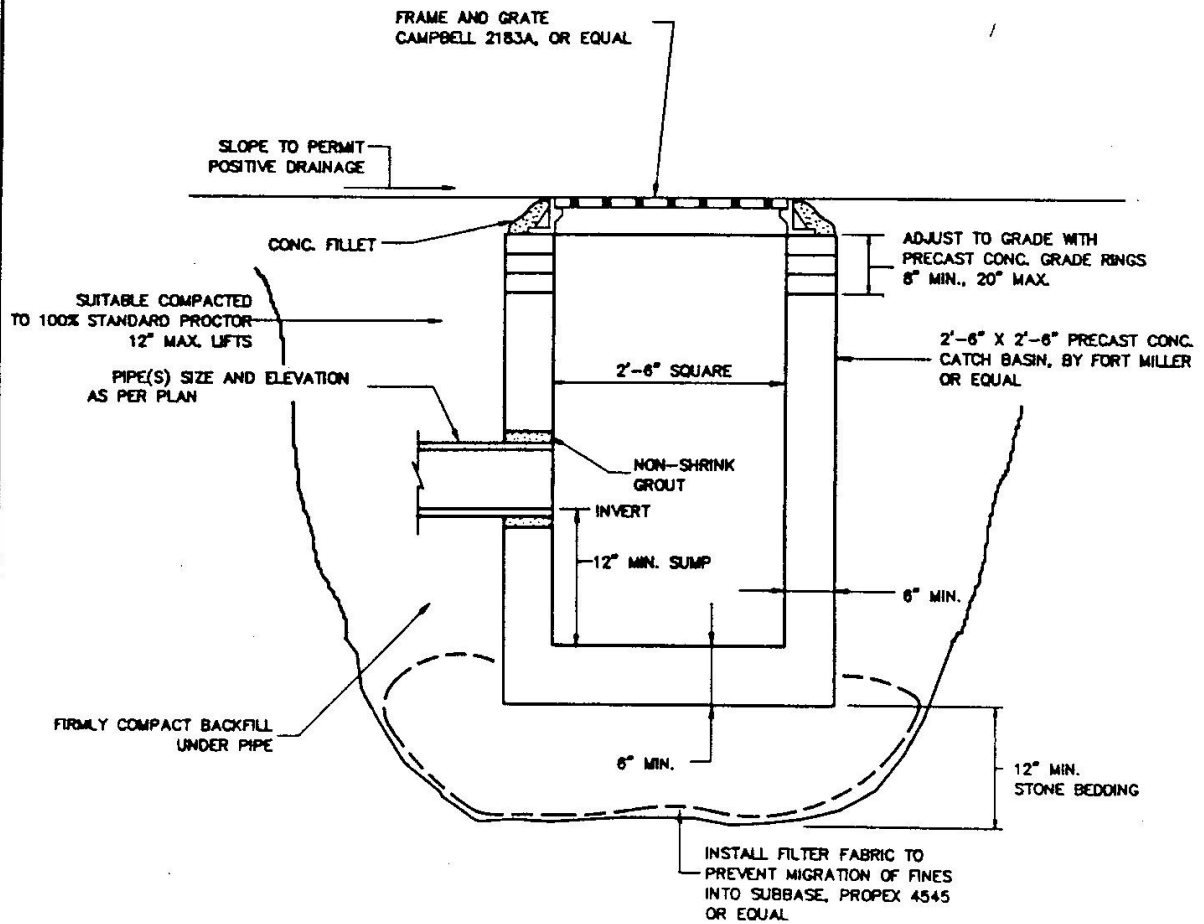
GENERAL NOTES:

1. THICKNESS OF ALL COURSES SHOWN ON THE DRAWING ARE COMPACTED THICKNESS.
2. ALL MATERIALS SHALL CONFORM TO NYSDOT SECTION 400 AND SECTION 300.
3. CONSTRUCT ASPHALT PAVEMENT IN ACCORDANCE WITH DOT SECTION 401-3.
4. PROOF ROLLING OF SUBGRADE SHALL BE WITNESSED BY THE TOWN ENGINEER. ALL UNSATISFACTORY AREAS, AS DETERMINED BY THE ENGINEER, SHALL BE EXCAVATED AND REPLACED WITH SUBBASE MATERIAL TO THE ENGINEER'S SATISFACTION.
5. NOTIFY THE TOWN OF HALFMOON 48 HOURS PRIOR TO COMMENCING PAVING.
6. TACK COAT BINDER COURSE BEFORE PLACING TOP COURSE IF MORE THAN FORTY EIGHT (48) HOURS HAVE ELAPSED AFTER PLACING BINDER COURSE.
7. TACK COAT TOP COURSE BEFORE PLACING ASPHALT CURB IF MORE THAN 48 HOURS HAVE ELAPSED AFTER PLACING TOP COURSE.
8. TACK COAT COMPOSITION SHALL CONFORM TO NYSDOT SECTION 407-2.
9. PLACE TACK COAT IN ACCORDANCE WITH NYSDOT SECTION 407 AT APPLICATION RATE OF .05 TO .10 GALLONS/SQUARE YARD.
10. SUBBASE MATERIAL TO BE SELECTED BY TOWN ENGINEER AFTER REVIEW OF SOILS INFORMATION REPORT TO BE PREPARED BY THE APPLICANT'S ENGINEER AND TESTING DATA ON PROPOSED MATERIAL.
11. THE CONTRACTOR SHALL SUBMIT A 100 POUND SAMPLE OF THE PROPOSED SUBBASE MATERIAL TO THE ENGINEER FOR FINAL REVIEW. APPROVAL OF MATERIAL IS REQUIRED BEFORE MATERIAL CAN BE PLACED.
12. MAXIMUM SLOPES IN CUTS OR EMBANKMENTS MAY BE 2:1 IF APPROVED BY THE ENGINEER.
13. ALL TESTING FOR COMPACTION SHALL BE AS ORDERED BY THE ENGINEER. THE CONTRACTOR SHALL PAY FOR ALL TESTING.

DRAWING #4







CATCH BASIN DETAIL

NO SCALE

DRAWING #7

APPENDIX D - DEVELOPMENT CONSIDERATIONS

The following are those factors which relate to potential for adverse impact on the parks natural, scenic, aesthetic, ecological wildlife, historic, recreational or open space resources and which shall be considered, as provided in this ordinance before any Class A regional project or Class B regional project, is undertaken in the Town. Any burden on the public in providing facilities and services made necessary by such land use and development or subdivision of land shall also be taken into account, as well as any commercial, industrial, residential, recreational or other benefits which might be derived therefrom.

A. Natural Resource Considerations

1. Water

- a. Existing water quality.
- b. Natural sedimentation or siltation.
- c. Eutrophication.
- d. Existing drainage and run-off patterns.
- e. Existing flow characteristics.
- f. Existing water table and rates of recharge.

2. Land

- a. Existing topography.
- b. Erosion and slippage.
- c. Flood plain and flood hazard.
- d. Mineral resources.
- e. Viable agricultural soils.
- f. Forest resources.
- g. Open space resources.
- h. Vegetative cover.
- i. The quality and availability of land for outdoor recreational purposes.

3. Air Quality.

4. Noise Levels.

5. Critical Resource Areas.

- a. Rivers and corridors of rivers designated to be as wild, scenic or recreational in accordance with the Environmental Conservation Law.
- b. Rare plant communities.
- c. Habitats of rare and endangered species and key wildlife habitats.
- d. Alpine and sub-Alpine life zones
- e. Wetlands.
- f. Elevations of twenty-five hundred feet or more.
- g. Unique features, including gorges, waterfalls, and geologic formations.

6. Fish and Wildlife.

7. Aesthetics.

- a. Scenic vistas.
- b. Natural and man-made travel corridors

8. Historic Sites or Structures
9. Site Development Considerations
 - a. Natural site factors.
 - (1) Geology.
 - (2) Slopes.
 - (3) Soil characteristics.
 - (4) Depth to groundwater and other hydrological factors.
 - b. Other site factors
 - (1) Adjoining and nearby land uses.
 - (2) Adequacy of site facilities
- B. Governmental Considerations
 1. Ability of government to provide facilities.
 2. Municipal school or special district taxes or special district user charges.
 3. Conformance with governmental controls.

APPENDIX E – PRE-EXISTING SUBDIVISIONS